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THE UNITED STATES IN THE FAR EAST

IT may be superfluous now to analyze historically and theoretically the question of America's rôle in the Pacific. The answer may be given by governmental action, in a sense is being given, and in a sense was first adumbrated decades ago and has been brought progressively nearer definite formulation with the years. The significance of acts, decisions and tendencies since the closing months of 1938 should not be underestimated. The abrupt injunction laid against Japan's declaration of a tripartite Japan-China-Manchukuo bloc under Japanese direction, the loan of $25,000,000 to China, the extension of further credits on China's gold deposit in this country, the proposed fortification of Guam, the implied invitation to public pressure for an embargo on the sale of war supplies to Japan—these are portents. They may signify more than abstract reasoning or deduction from historical sources.

Whether historical and theoretical analysis is superfluous or not, it abounds. In the mounting polemical literature on American foreign policy in the Far East one school of thought predominates. America is not genuinely concerned in the Pacific; it has no vital interests there; it need take no active commitments there; and in so far as there is any danger of war with Japan, it is a willed, almost wilful, danger, a product of the heedlessness, miscalculations and erroneous judgments of individuals. In support are summoned all the minute cullings from historical documents, especially documents in diplomatic history; and here lies the strength of the case and here, too, its weakness. For it may be said that diplomatic documents are the formalized explanations of national acts, formalized

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for the historical record. They are useful as working notes but of doubtful value in the search for the motives of national conduct, even though by sufficient repetition under scholarly imprimatur they may attain the dignity of half-truths. The weakness of so much recent scholarship in American foreign relations generally is just this, that it works so largely in materials suspended, if not in a social vacuum, then in a kind of social mid-air. It is the equivalent of historiography by the chronicling of king succeeding king, battle following battle. In general historical writing it is taken as axiomatic now that the attempt to explain national behavior in dissociation from the social setting is barren. It should be, but is not, taken as axiomatic in the writing of the history of the relations of one nation with another. Specifically, the motives that have governed American action in the Pacific can be understood only in terms of the American social environment and its evolution. Their interpretation from "diplomatic history", from the interchange of communications between government foreign offices, is superficial and fruitless.

As to the facts of American relations in the Pacific there is no dispute. The United States is "involved" in the Far East; it has been involved for a long time; it becomes increasingly involved. The issue is whether the relationship is inherent in America's world position and international constitution, and therefore inevitable, or is factitious — episodic in origin and the result of individual impulses subsequently institutionalized in bureaucratic habit. In the view of those recently most articulate, it is the latter. As put by S. F. Bemis, perhaps the most vigorous advocate of this view, it is an aberration of the heady eighteen-nineties, prolonged out of a desire for consistency; and since it is originally an error, it can be reversed on America's own initiative, conditional only on seeing the light. Essentially, then, the issue is this: Is America's growing commitment in the Far East, already pregnant with the danger of war, only the product of the faulty judgment of misguided individuals, apart from anything in their environment? This is to say: If there had been other men in public office, would America now be free of any entanglement in the Far East?

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Put thus, the question almost answers itself. It answers itself too easily, for in foreign relations, as in any other problem of history or sociology, unitary explanations are tempting but dangerous. It is beyond dispute that the end of the nineteenth century was a heady period in the United States, gusty and ebullient with all the strident assertiveness of adolescence newly conscious of its powers. And to a certain extent American adventuring beyond the continental borders had in it much of adolescent imitativeness. It was the period of the white man's burden and all the callowness and pharisaism associated with the phrase and the concept. The whole Western world was on the rampage, aglow with easy and profitable conquests. The spirit was infectious and tempting. America alone seemed to be caught in a prosy and colorless routine. That the yearning of the Theodore Roosevelts to play Kitchener and of the Henry Cabot Lodges to play Salisbury generated some of the propulsive impulses, or at least directed them, is undeniable. As we look back at that chapter in American history, with its brummagem manifest destiny, its boy scout statecraft and its *opera bouffe* military campaigns, it is ludicrous rather than sinister. For the effect of this truly episodic phase of America's development, due allowance must be made. It played a large part in taking us into the Philippines, thus giving a hostage to Eastern power politics which we may not be able to redeem without tragic sacrifices, however much we may now regret having given it. Allowance must also be made for another influence, the influence of British suggestion. That Great Britain was looking for counter-weights in the Eastern scale of balance of power politics, and that America was designed almost to specifications for the rôle, is undoubted. The direct connections of some of the American government's acts with British incitation or at least desire can be and have been irrefutably established. It must be admitted, too, that this played a large part in bringing America to its first recognized commitment in the Far East — the sponsorship of the Open Door policy in China.

When allowance is made for these two factors, however, the question has been dealt with only on the periphery. Why just

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at the end of the nineteenth century? And why the sudden susceptibility to British blandishments, incidentally a frailty difficult to explain in the light of traditional American political attitudes? Until these are answered, the major question has not been touched.

As a matter of fact, American interest in the Pacific, if not American expansionism generally, antedates the eruption of the eighteen-nineties by half a century. It is, indeed, inseparable from that westward thrust that is connoted by the slogan, "manifest destiny". What is overlooked by those who hold America's entanglement in the Pacific to be episodic, and an accident of personality, is that it began not at the end of the century but in the eighteen-forties. And it seemed then much less exotic and irrational than fifty years later, for the clipper trade to the China coast was still fresh in memory. In germ every aspect of America's policy and action in the Far East down to the Stimson Doctrine and the warning against the Japanese tripartite bloc a few months ago was latent in America's first formal act in its relation with China. Then, too, it was negative policy rather than positive, but no less firm. America followed close on the heels of England in negotiating treaties with China, after China's first defeat, and on Caleb Cushing's stipulation the most-favored-nation guarantee was written into the Treaty of Wang-hsia. No matter what territorial aggressions other nations might commit against China, America from the beginning was fortifying its position: whatever political dispositions there might be, no infringement on equality of America's opportunity for trade. As Webster in 1844, so Hay in 1899, Stimson in 1932, Hull in 1938. In all the encroachments, penetrations and alienations of territory in China, America had no part and resolutely refused to have part; with equal resoluteness it has refused to relax on its insistence on the right to trade in all parts of China on equal terms with any other Power.

From this principle — that no Power shall be permitted to make such political dispositions in the Far East as shall enable it to appropriate the Chinese market to its own uses — the United States has never deviated. It has been the governing

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principle of American action, not only from 1899, not only by reason of the ebullience of Theodore Roosevelt *et al.* and the ingenuousness of John Hay *et al.*, but from 1842, when China was forced out of seclusion. And as the rivalry for paramountcy in China has become sharper, so that assurance of the perquisites of China's development could be gained only by outright hegemony over China, the United States has broadened the principle to enjoin against the establishment of such hegemony, that is, to insist on the maintenance of the territorial and administrative integrity of China. This stage was reached only at the time of the Boxer Rebellion, when the dismemberment of China appeared to be in order, and at that point the Open Door doctrine merged almost imperceptibly into the doctrine of the integrity of China, which has constituted American policy ever since. We are perhaps at the climax of this stage in the last few years, when Japan has made an overt bid for sovereignty over China and the insistence of the United States has become more uncompromising. But the development has been direct and consistent for almost a hundred years, accentuated at the end of the last century for reasons that will be discussed later.

The mainsprings of American action in the Pacific can be seen not only in the measures taken with regard to China. It is curious and revealing that the fact that it was an American naval expedition that forced Japan out of seclusion should be treated so commonly as a parenthesis, or recorded as just another event. That it had any relation to the opening of the race for ascendancy in the Far East, as part of the great expansive movement of the West, is not seen or is considered irrelevant. Nor is relevance conceded to the facts that the decision to send such an expedition was arrived at less than ten years after England had broken through China's walls, that it was known at Washington that England and France were contemplating taking such action, that the desire to forestall them entered into the calculations of the American government in making the decision, and that America was England's principal commercial rival in the Far East. These are treated as so many independent and unrelated facts, unrelated

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to each other or to some central cause or condition. It is precisely this research in self-contained segments that deprives so much of the historical study of American foreign policy of any purpose, except training in method, no matter how refined and thorough the research and how many new documents are unearthed. Nothing has been added to grasp of meaning.

There is perhaps even clearer evidence to be read in the part America played in the early controversies over the disposition of the Hawaiian Islands. Here, too, America was laying down interdicts. In the years that it was participating in the opening of China and staking out its claim there, in the years that it was taking the initiative in the opening of trade in Japan, so that it might not find itself excluded from the beginning, it was also acting in Hawaii to the same general effect and on the same principle. In essentials it was laying down interdicts in the mid-Pacific of the same general order that it has invoked on the other shores of the Pacific ever since, and with increasing vigor in recent years. I commend to those engaged in researches on America foreign policy a close examination of American state papers dealing with Hawaii between 1840 and 1855. I suggest that they read with particular care the correspondence with France, when that country was attempting to establish an occupation of Honolulu. They will find the orders to desist framed in language which in tone and content was more vigorous and uncompromising than that addressed to Japan by Mr. Stimson and Mr. Hull. In fact, it was fighting language, according to the vocabulary of the time. America was willing to risk war in the Pacific a hundred years ago, and for precisely the same causes as a hundred years later. What is most revealing, and historically most important, in those state papers is the open acknowledgment of the reasons for the uncompromising action taken, with all the attendant risks. Webster's instructions to his ambassadors, the messages of the presidents to the Congress, especially Fillmore's in 1851, are explicit enough. America would resort to military measures to keep France or any other European Power out of Hawaii for reasons having to do with the future of American trade, *not trade with Hawaii but trade*

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with the further shores of the Pacific. Not Hawaii itself mattered, but Hawaii as a stepping-stone to Asiatic markets, Chinese markets in particular. Again and again this is openly avowed.

The consistency of American attitudes, official policy and action is clear, except when history is studied in segmentation. There is an unmistakable continuity. Only in segmentary research can American history in the Pacific be seen as one slight flurry in the middle of the nineteenth century and a serious deviation from the norm at the end of the nineteenth century, an interlude of unreason not yet corrected. When the history of American foreign policy is taken in continuity, as any history must be, activity in the Pacific has been the norm and the period of passivity between 1860 and 1890 the interlude or deviation from the norm. The thrust across the continent to the Pacific and across the Pacific to Asia has been the straight line of progression. Why the interlude of those three decades? The reasons are on the surface, if causes are sought not only in official documents and governmental records: civil war, reconstruction, building of the continental railway systems, development of the West, establishment of the great key industries in the stage of industrialism's full flowering. The energies of America were absorbed in extracting the fullness of a continent, an absorption for which there was no opportunity before the latter part of the century, since communications and the requisite technological instrumentalities were lacking, and for which the opportunity was diminishing toward the close of the century, since the extensive development of the continent was nearing completion. The railways were built; the free land was taken up; resources were taken over or earmarked; the consolidation of great industries was in process; technological advances and availability of resources had brought production to a quantitative level at which exports were tempting, if not already necessary. Was it accident, then, that just at that time there emerged a group of men who thought in terms of extra-continental expansion, who pressed for expansion and led America out of the continent? Such being the setting, can motivation be found only in the bravura

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strain in the temperament of Theodore Roosevelt and his adherents?

From 1890 the expansionist movement took force. Then began the systematic efforts for the annexation of Hawaii. The movement gathered momentum throughout that decade, despite the restraints of Grover Cleveland. It would probably have been irresistible in any event. With the outbreak of the Spanish-American War it could not be stemmed. Hawaii was annexed almost as an incident. And a war which began over events and from causes that lay in the Caribbean ended with possession of the stepping-stone to the trade of the Far East and an actual outpost in the Far East. The impetus to retaining permanent possession of the Philippines had in it something of the factitious and romantic; but even in the researches that are reported on the controversy over the Philippines it is shown that one of the most vigorous arguments used in favor of their retention was the outlook for trade, again *not trade with the Philippines themselves but the Philippines as an outpost for forays into Far Eastern markets.* The motif of commercial potentialities entered into the debate at the beginning, was more pronounced as the debate proceeded, became more accentuated in public as well as official discussion, and played a large, if not decisive, part in overcoming the traditional fear of external entanglements. Immediately after the formal accession of the Philippines came direct intervention in the Far East to wring from the great Powers a guarantee of the Open Door, or equality of opportunity for American trade, in the event of China's partition. It was as if to give point to the whole course of the preceding decade. If coincidence or accident, is it not a curious sequence of coincidences or accidents? For they all work in the same direction, each a projection from the one before. If adventitious as the working of headstrong individuals, then should it not be observed that in their romanticism these men were creating nothing new, carving out no new paths, blazing no new trails of national adventure? They were following lines that had been set long before their time, in fact, the only clear and direct lines of movement of the national energy in the nation's history.

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Two arguments must be considered at this point. By some of the "aberration school" who at least take cognizance of social environments and economic motivations it is held that while consciousness of commercial potentialities in the Far East impelled the decisions and actions of the American government, the driving force was the official world and not the business world. A. W. Griswold, for example, in his recently published *Far Eastern Policy of the United States*, does not altogether state the economic drive and the political action as parallel lines meeting at no point. Where compelled to acknowledge their juncture, as, for example, in examining the record on the Philippines, he holds apparently that it was the political officials who forced the pace and the business world that was dragged along, without enthusiasm, if not unwillingly. How this can be maintained, when almost from its beginnings America has been an active competitor for Far Eastern trade, it is difficult to understand. It cannot be substantiated even from a reading of the documents. The New England traders at Canton were eager enough for protection of their opportunities against the British before and after 1842. A reading not only of official documents, but of the newspaper press and business organs in the eighteen-nineties, will show a keen awareness of the commercial prizes offered in the Far East and the temptations they exercised. The efforts of American railway financiers to buy into Far Eastern railways, and of banking groups to get their share of loans by participation in the China Consortium, were supported by the government, but neither initiated by the government nor stimulated by it. They needed no stimulus.

Since the World War the facts are self-evident. No Mr. Stimson was needed to incite the cotton, oil, tobacco, electrical, motor and machinery industries. They began storming the Far East in 1919 and have shown no disposition to retreat. The aggressiveness of private interests has grown *pari passu* with the aggressiveness of the American government, and both have grown *pari passu* with the increasing productivity of American industry, and the consequent necessity to export. That they are interconnected is, or ought to be, elementary.

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That the first and third are derivatives of governmental aggressiveness is too plainly contrary to the facts of contemporary society to need demonstration. No one who has lived in Far Eastern ports, where Americans do business, needs to theorize or examine archives on whether American interests call on their government for support. The evidence is in day-to-day transactions. It can also be safely taken for granted from all modern economic experience that if the American government were to stand complaisant while the principal American interests engaged in the Far East were evicted, there would be the application of quiet but relentless pressure. One need not be a rigid economic determinist to hold that commercial and financial interests of American dimensions and degree of enterprise would not have to wait for governmental revelation of opportunity on the Far Eastern scale, or have to be energized by diplomats into taking advantage of them. Indeed, one would have to be excessively naïve or immured in a documentary vacuum to believe anything else.

The second argument to be considered is one of which far too much has been made in writing on American foreign relations. It is in brief the myth of America's pulling British chestnuts out of the fire, a myth that dies hard. Thus, America made its first great commitment in the Far East, the sponsorship of the Open Door in China, as the result of British suggestion, if not seduction. And all those newly come to the study of Far Eastern relations breathlessly discover that the Open Door doctrine was first conceived by the British, subtly suggested by them to John Hay while he was ambassador at London, propagated by Lord Charles Beresford and formulated for John Hay through W. W. Rockhill by Alfred Hippisley, an Englishman of the Chinese Maritime Customs. (All this was brought out some years ago by Tyler Dennett, the biographer of John Hay, although Dennett drew none of the superficial conclusions aired by those who subsequently have taken over his facts without their portent.) The facts may be so, but what of them? They are true, but of no special importance. In the first place, as has already been said, the enunciation of the Open Door policy in 1899 was not Amer-

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ica's first intervention in the Far East. It was the concrete application of a principle that had been laid down in 1844. In the second place, while the Open Door would operate to Great Britain's advantage, and its sponsorship by the United States would extricate Great Britain from an awkward diplomatic position and therefore American sponsorship was highly desirable to Great Britain, the conclusion does not follow that that was why America took the initiative. America was not necessarily acting only in British interest. It may have been acting coincidentally in British interest, but primarily it was acting in its own interest. If Great Britain had not existed, or had made a thieves' bargain with Germany, Russia and France for the cutting up of China, America would have acted exactly as it did. The same may be said for all efforts to show that in more recent Far Eastern developments America is being seduced to save Great Britain's interests from Japan. The same may be said for the whole British chestnuts myth. It has yet to be shown that there has ever been one instance of the United States' pulling a single British chestnut out of any fire in which it did not have chestnuts of its own. It may have pulled British chestnuts out, but inadvertently and in the belief that it was pulling its own. Nor can America's entrance into the World War be cited as an instance. We shall come to no clarity of thought on the problem of America in the Pacific until once and for all we disabuse ourselves of any notions about America as a British pawn or as anything else than the agent of its own interests, or what it conceives to be its interests.

The root of the problem lies in the last few words. The motives of American policy in the Pacific have been established. They are clear, consistent and undeviating: unimpeded access to the Chinese markets for American exports and to that end the assurance of the integrity of China, which means the frustration of any effort by any other Power to take control over China. Out of these motives America has been indirectly involved in the Far East for almost a hundred years, directly involved since 1900, and now dangerously involved in that an unconcealed effort is being made by Japan to acquire

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dominion over China—dangerously, because a Japanese-American war must be called something more than a potentiality. To construe this position and the resulting conflict as nothing more than the continued projection of the mistaken impulses of a few men seems almost sophomoric, no matter how well buttressed by the forms of scholarship. The genuineness of the position can be attacked on one ground only: that it rests on a fallacy or, in other words, that America's conception of its interests in the Pacific is erroneous.

An impressive argument to this point was made in the POLITICAL SCIENCE QUARTERLY for June 1938, by Paul T. Homan, who, as it happens, singles out a book by the present writer as the presentation of the case he wants to answer. He acknowledges the economic motivation and wastes little time on the conventional argument that the present investments and trade in China do not amount to enough to constitute a real stake. (It should not be passed over quite so lightly that America is the largest exporter to China.) It is the potential Chinese market that we contend for, he says, and that we shall fight for, if we do fight. Taking the issue on this ground, the only ground on which it can be seriously discussed, he attacks the policy of uncompromising opposition to Japan or any policy which threatens to involve the country in war. His argument can be summed up briefly: the game is not worth the candle. (Unfortunately he subscribes somewhat to the theory of the British chestnuts, but rather as an aside.) In essence what he says is that there is nothing in the Far East worth the risk of war. And this is the only respectable argument that can be made against the traditional American position.

It is a respectable argument, but those who adhere to it must go further, *must* follow it to its logical conclusions. They must prove one of a number of propositions:

1. That a continued increase in exports is not necessary to the stability of the American economy;

2. That even if it is not necessary, the appeal of the profits therefrom is not so great as to generate a pressure that no government can resist, thus constituting for all practical purposes a political necessity;

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3. That if a continued increase is necessary, it can be found in other areas than the Far East, in areas where there is less liability of conflict;

4. That the necessity for increased exports can and should be circumvented by internal social reorganization broad enough and deep enough to enable the country's industrial and agricultural products to be absorbed at home by a redistribution of income and purchasing power, thus absolving the country from trying to effectuate a policy of obstruction in the Far East.

The first no one will seriously attempt to prove. It runs counter to every economy theory and every substantial current survey of economic facts.

The second anyone will hesitate to prove in the light of all that we know of domestic power politics, of the mechanics of the political order and the dynamics of industrial society.

Proof of the third is rather generally essayed, but unfortunately is tossed off rather glibly. Why not in Latin America? There lies the natural field for American enterprise. The most effective answer to that is *why* in Latin America? Is Latin America a free field? Is it a virgin field? Is it immune from such competition from other countries as might generate conflicts? Consider the most patent facts of the last six months. Has the United States any distinct competitive advantages in Latin America—community of language, community of trade practices, cultural kinship, natural mutual sympathies, priority in the field? Have Latin American countries a greater intellectual and spiritual allegiance to North America than to Europe? These questions have only to be asked. They state their own answers. Furthermore, it is doubtful whether the potentialities of Latin America are on the same scale of magnitude as those of the Far East. China's population is vastly larger. Its people are of a high cultural level, though it is still a peasant and handicraft society. Therefore they can be brought within the comity of wants that industrialized societies can satisfy. A large proportion of the Latin American population, on the other hand, is culturally not far from primitive. It must first undergo a considerable

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cultural evolution before it can be counted as effective demand for imports from industrialized countries. The main point, however, is that Latin America is already fairly well staked out, with other countries already well entrenched, and with competition already sharp, competition in which the United States has as many disadvantages as advantages.

The fourth is the proposition on which those must stand who contend that the United States can let the market of the Far East go by default, if the alternative is such political opposition to Japan as entails the risk of war. But they seldom do so. They seldom recognize that it follows from their contention. But to fail to recognize it or to evade it is to discuss the Far Eastern question without the determinant elements of the problem. It is to discuss American foreign policy in a vacuum. The fact is that China offers the only extensive market still open to development, that America has always considered the Far East as the sphere of its expanding enterprise, that it has advanced to the stage in its own industrial development at which it has no alternative to such expansion under the present economic dispensation, and that it must either make compensating internal social reforms, if it loses its most fertile field for expansion, or it must seek to prevent Japan from appropriating that field, though the latter start a train of consequences the end of which is war.

This is what is connoted by the word "must" when it is asked whether we must have war with Japan, a question which Homan asks and answers negatively. As categorical imperative, deriving from forces beyond human control, the answer may indeed be negative. But as resultant of all the forces working in a society at a given time, the answer is in the affirmative unless the forces are eradicated, arrested or altered. This applies to America's relations with Japan now, or its relations with any other Power that one day may seek to attain the ends in the Far East for which Japan now is fighting.

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NOTES ON THE USES OF EXACTITUDE IN POLITICS

I

TECHNIQUES have a way of getting transferred from one place to another. Suggested ways to do or to get something are sure to be taken up and tried. Sometimes they make their way rapidly, sometimes more slowly; sometimes they lie dormant for long periods, then come to life again. But they are hard to smother. Take, for instance, the idea of steel. It spread outward from primitive iron implements of the hunt and of war. It substituted itself for wood and fibre in machines; for timber and stone in building; ships and trains and even furniture came to be made of it. It recommended itself because of its strength, its compactness, its clean and effortless way of doing the job there was to be done. But the steel idea spread no more remarkably than do most others.

The idea to be considered here for the moment is just such another as "steel", or as "steam", or as "experiment", or, to use a modern illustration, as "space-time". It may be felt that there are differences here of kind, that of those mentioned, steel and steam have to do with things and that only experiment and space-time have to do with ideas. Or that the steel idea is genuinely means; and that there are others which, having to do with ends rather than with means, are less exciting and therefore slower to spread. There is no real difference, however, if the test of usefulness is firmly kept in mind. Ends change more slowly and become transferred less quickly; they are, nevertheless, instrumental. But it is not intended to examine them here; the idea now to be considered is one which is clearly means—and a successful means—to important ends. This idea has to do with "precision" and with its cousins, "measurement" and "standard".

Steam and experiment and steel and space-time have likenesses—and relationships as well as likenesses. But the rela-

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tion of "precision" to the other ideas just mentioned is an especially significant one. How it is linked to experiment and to space-time is obvious; measurement is of the essence of both. Perhaps equally obvious is the linking to steam and steel; precision made both possible; as measurement was refined their uses were multiplied. Can it be said that these ideas are unique? Is it not true that we have created a network—in this sense—of ideas on which our culture rests—a fabric which needs each strand if it is to continue to support the weight of civilization? It must be so. But now there has been introduced a new concept: "culture" or "civilization". But is not a culture merely the network itself, the whole, of which things and ideas are the related parts? That is so, perhaps, by definition. But if it is, precision must be related to each strand in the supporting net. May the word be used with propriety, also, when court, legislature, executive, commission are spoken of, as well as when steel, steam, experiment and space-time are mentioned? That needs looking into. The temptation is to generalize offhand—to say "Yes", because these are obviously parts of our culture too; but more careful investigation shows strange disagreement. Is it perhaps that precision is too new to have permeated its destined area, to have established its cousinship in politics as well as in natural science?

There is, at least, no denying that it has come close in the discipline called statistics which, by now, is regarded as a large part of economics. And economics, whether politicians like it or not, or whether economists like it or not, is more properly called political economy: economics used without its twin word, politics, is hardly an understandable concept, certainly not a very useful one, except to a few *poseurs* who think themselves too nice to get down into the streets, the market places, and the factories with the rest of us. So far as political economy has surrendered to statistical method it is certainly precise.

Yet there are puzzling questions to be asked; they are not original; a variety of them bothered Plato and may have bothered his predecessors. Certainly they have bothered all

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his successors. Why do philosophers seldom rise in democratic states? And why do philosophers themselves object to the rise of other philosophers? Or are these queries which occur from not having given precision time, again, to have its way with a discipline which is resistant to penetration? Perhaps philosophers are not practitioners of precision. Still, in Plato's sense, they must be. For precision is the instrument of reason, par excellence, though not, by any means, its only one. And although politicians, many of them, fear the obsolescence of demagoguery, there is considerable turnover; the processes of change are not abnormally slow in politics.

It may be that the question would answer itself if, again, history were closely enough searched. Or perhaps precision is really as modern as steam or steel—that is, in any instrumental sense. An idea may be hoary-old but it may still have come into its usefulness only by recent implementation. Maybe its relationship to steam, steel, experiment and space-time rejuvenates precision so that to all intents and purposes it is new; there may be an interaction of cultural strands which leaves the most shining of them dull until the conditions of usefulness are established. Perhaps politics was open to precision only after industry had been thoroughly conquered and had presented the state with the *fait accompli* of permanent unemployment and of surplus.

II

None of this is said merely to state a puzzle. It is something in which a genuine interest is warranted. A deliberately stimulated search for politicians with respect for precision might yield valuable changes. Selection might be influenced by it—not natural selection, but the ballot-choice which is so much more immediately important. It would make an interesting campaign for once, and some philosophers might rise in the State as a result; but there is a preliminary difficulty with such a choice—even with such a campaign. It is this: those people among us whose sense of exactitude is certainly most highly developed in their own disciplines set themselves most staunchly against its appearance in politicians. So far and no farther,

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they seem to say, and their acquiescence stops short of public affairs. There are problems of delegation and selection which have never been clearly stated—much less solved—because men of reason believe in amateurish rules of thumb for government. They do not admit that this is so; but does not their willingness to use the choice of ballot in matters in which they are utterly uninstructed show clearly enough their attitude? Nor in their hearts do they think it wrong.

All practitioners of precision must have heard of King Canute, and, of necessity, they must know how ideas flow from mind to mind: how two plus two comes admittedly to equal four over and over again, whether it be molecules of matter, or dollars of interest on the government debt. The number of votes in a ballot box can be counted exactly; a city budget is reducible to number; and the minimum terms of life for a family are measurable in calories and other symbols of exactitude. And acquiescence in these communicable facts gradually becomes general. The physician indeed often tells the poor mother how to measure her baby's food with care; he instructs her about the hidden hungers which vitamins stave off; he asks her to watch for fractional gains and losses. Why should he be surprised when she puts this two with another two she has picked up somewhere—that the wherewithal for maintaining an adequate standard exists in soil, in crop, in factory, in warehouse and store—and makes it equal exactly four? The four is a whole. She, being a practical soul, cannot understand why her baby should not be fed as she has been taught to feed it, or why she herself should be sacrificed for a theoretical future generation. Reformers with a sense of humor must enjoy the spectacle of their reactionary medical friends explaining to her why two and two, in this field, equal three or less. They must also enjoy seeing their scientific colleagues try to sneak away with the odd one under their respectable coats.

They probably enjoy less, however, the attempt to sabotage government in the interest of the mystical belief that society and all its various groups ought to operate with a whimsical lack of direction. Men of precision in government are called bureaucrats by those who do not like them. And the intention

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of the word is derisive. The bureaucrat is under attack from several sources; from those who want to do what he is doing and make money at it; from those who are being regulated by him; from those professional politicians who act wholly on hunches, and who hate precision because it limits them, revealing the shortcomings of the hunch as a deliberate method. Yes, a bureaucrat's life is a far from happy one. But it might be happier if his colleagues in exactitude would throw him a rose once in a while instead of a brick. He does not think it dictatorial to administer regulations; it does not seem to him unreasonable to insist on orderly procedure, understandable accounting, defined relationship—at least if it is, it ought not to be objected to by men who use these devices in other fields. The regimentation of atoms, and certainly that of college students, seems to him but little different than the regimentation of power producers and transportation units, flagrant advertizers and businesses bordering on rackets. And perhaps it merely marks the uneven spread of precision to a new area. Hitherto no question has arisen concerning the two plus two relationship in producing kilowatt hours or diesel engines. They could be produced only by the resigning of freedom on someone's part to wind an armature as he liked or to alloy the metals in the sleeve of a motor after a fashion of his own—a custom which had to be established as a prerequisite of doing anything at all.

These methods—how to produce goods and services—are determined in laboratories, on drawing boards, and by statisticians. And no one resents it. But customs of delegation and selection began long since to creep quietly into Albany and Washington as well, thus creating an environment in which precision could spread. Nothing, however, seems to infuriate Schenectady so much as precision in Washington—which it regards as a wholly inappropriate place for it. All this seems a little like the old-fashioned settling of the quarrel between religion and science by building a wall between them. Peace was kept by this means for several generations. But that was perhaps because the quarrel then was about ends rather than means. Men are notoriously inclined to assume agreement and,

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therefore, to be careless about where they are going, but they are terribly cautious about the road to be followed, and positively quarrelsome about how the road should be built. The symmetry of number and line, the logic of statistics, the instruments of measurement—all of which were the breath of life to the man of science—were wholly irrelevant to the preacher's method. Scientists could not keep up excitement about such remote matters as immortality and eternal rewards; and the preachers lately have seemed willing also to let the quarrel lapse. But let an economist lug off to the federal treasury an elaborate apparatus shaped to orthodox uses and turn out with it a modernized dollar, and a good imitation of hell's fury is forthwith loosed upon the traitor's head. It is all right for scientists to fool with the atoms, and even with the stars; and heaven can be left to the preachers; but there must be no fooling with dollars, no leaving them to chosen delegates. When are the friends of order not the friends of order: when, evidently, the government uses or imposes it. When do men of science turn against procedural efficiency: when it involves government reorganization; or when it is required of industry in the interest of consumers. Order is called regimentation; reorganization, usurpation; and efficiency, dictatorship. The solemn march of two and two and so on down the line of figures turns, even in minds accustomed to its ceremonial, to a crazy jig of fears and hates. Scientists and administrators, when they contemplate public affairs, are somehow impelled, as was King Canute, to subdue a wilful sea with strongly expressed displeasure. Their weapons are orthodoxy; the enemy is the rising tide of experiment, measurement and standard-making in social affairs.

So many good men are against the good in government because they do not in their hearts really believe in government. The more effective it is the less they seem to like it. They want some of its municipal functions done well: policemen and firemen are expected to be efficient and the streets are supposed to be kept clean. But it is almost true to say that the more respect a person commands in his community, the more restricted is his view of the rôle of government. The

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most conservative of our political parties has, as one of its featured principles, the weakening of government; not by merely personal choice have recent presidents preached that doctrine—and practiced it too, for that matter. Their constituents were reflected in that view; and their constituents were most of the really substantial folk of America.

If Henry Ford did not really believe in automobiles and deliberately reduced their quality, that would be a comparable situation. Such a thing is, of course, unthinkable. What we regard highly we labor to improve. The thing we fear because it threatens us, and hate because of its compelling strength, we keep from growing stronger if we can; and we justify our attitude by atrocity stories which in saner moments we recognize as compensatory fiction. It is perhaps a disadvantage that we have not, like the British, a symbol of sovereignty which remains serenely above all quarrels except those having to do with the most distant ends. It might save us sometimes from taking dangerous revenge out of technical spite, or because of wholly selfish interests, on government itself. It might indeed make transition easier.

III

It has been remarked that new ideas tend to spread themselves throughout our interrelated cultural system; but it has also been suggested that dissemination is far from automatic. There is often a strangely violent opposition; and often also a cultivation which becomes almost evangelistic. Devotees often find it difficult to rest until all mankind—at least all of mankind whose opinion is valued—has been converted. There are, of course, various degrees of devotion, just as there are various degrees of resistance. So the stir in public consciousness made by the spreading idea may be considerable or it may be almost unnoticed. But it is always there.

It will be recognized that these evangels are better known as reformers. Their type is well known in the community; and there is a certain amount of vigilance among reactionaries in looking out for them and, if possible, heading them off. For they cause trouble. They are often humorless people; and a

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humorless individual who regards himself as the chosen vehicle of an idea is a nuisance. Sometimes, of course, they are not so humorless and not so evangelistic either. They may even be technicians themselves, who, by some unusual contact, some accident of interest, have acquired competence or knowledge in more than one field. These are hard to head off; still, reactionaries will always undertake it; they will because, apparently, they must. The dominant interest is vigilant.

No reformer (using that term in its broadest sense, and without relation to the worth of his idea) escapes opprobrium in a democracy. Even the quiet, technical type is hunted out and exposed to the frosty displeasure of his colleagues, if not to a kind of public vilification which is difficult to bear. For we are face to face here with one of those instances in which nature appears to have been unable to make up her mind. She seems to have left men to fight it out among themselves while she reserved the feminine right to interfere now and again in what seems wholly whimsical fashion.

It used to be said, in the days of our grandfathers, that there was a law of progress; we have given up that optimistic notion. It is even suggested sometimes nowadays that there may not be a law of change. New ideas are certainly fitted out with champions. But they are not always competent ones; frequently they are sobersided; often they are cranks. And the old ideas, which the new ones would displace, always have brilliant and respectable advocates. The arsenal of weapons at their disposal, moreover, is stocked with everything from wet blankets and mud to frost and hot water. The high explosive of invention is susceptible to damp; it is ineffective when smothered in mud; high officers are notoriously adverse to the discomfort of frost; and whoever heard of any soldier who liked to find himself in hot water?

These general remarks one needs to be no more than a casual historian to appreciate. It may not be apparent at first, however, with what incredibly heightened intensity they are true of precision as an instrument of organized society. Nature seems to have been more than usually puzzled by this particular invention. At least the weapons of defense have

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been peculiarly effective against its champions. There were famous engagements when the penetration of natural science was going on; they were so hard won that the defenders were buried in unusual obloquy; and the victors still loom larger than life in shrines which we still decorate. For no matter how hard the battle, once it is over everyone regards the victory as his own, and begins to revere its heroes. What terrors enshrouded the civilized world during the next campaign, as precision passed from natural science into the biological studies! What thunders of excommunication, what ridicule for the descendants of simians! Still, nature was more regenerate in this battle than in that of natural science. After all, Darwin did die in glory; he was not even forced, as was Galileo, to recant.

It looked, for a time, as though this had settled the matter in all the social studies. Herbert Spencer appeared to have created a precise sociology out of hand, while the cultivated world had eyes only for the champions of religion as they fought Darwin. But Spencer's turned out to be an overrated creation; for what he did was to present workers in the social studies with conclusions when what they wanted was merely a tool for work. Still his theoretical system was, for a long time, a convenient screen behind which some terribly subversive activities could take place. Also there was tremendous commotion, it will be remembered, about Marxism. It seemed to threaten settled relationships throughout the world. With what pontifical righteousness, accompanied by academic justification, Marx's casting out was accomplished all know who have read the cultural records of the nineteenth century. And all know too, by now, that those records contain very little which helps to explain the upheavals of the present. We have now to go back and search for the causes of the present crisis. They were not apparent to contemporaries.

Precision made its way into the outer works of political economy almost unnoticed. It was fostered first in what were elegantly called schools of business administration as well as in engineering colleges. While Marx and Ricardo hurled showy thunderbolts about the sky, a man here and one there

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began to figure, to measure, to standardize, to invent new forms of statistics, to perfect instruments for gauging, calibrating and adjusting things to one another. Almost without anyone's realizing it, our grandfathers were one day making things with forms, jigs, dies—and, of course, power—so nearly alike that the parts were interchangeable. This was the step in our cultural progression which led us directly into setting up the academic study of business and industrial processes; and this study, in turn, resulted in perfecting the industrial instruments of precision. It led to experiments such as were carried out by Frederick W. Taylor. But also it led to the calamities of 1929. For when the manufacture of interchangeable parts had got a really profitable start, scientific management, cost accounting and administrative paper-work began to emerge from colleges supported from the profits; and in such improved forms as to amount to new devices. This insured an epic struggle. No longer could precision in industry pretend to have descended directly from the old protestant virtues which were written of in the textbooks. It was now seen for what it was—a transposed doctrine, revolutionary in effect. The accommodation of morals to individual enterprise was suddenly inadequate.

The Federation of Labor, having a vested interest, denounced the new doctrine first; other excommunicating agencies were a little cautious about following as they looked about at the line-up of adversaries. The owners of industry, led by their lawyers, had cleverly worn the clothes of corner-grocers and New England ax-handle makers right down through the years. Even the struggles of the trust-busting era had not dislodged the legal concept "corporation" from its perch on the ridgepole of the log cabin. United States Steel and Standard Oil were still widely regarded as nice old ladies whose feelings ought not to be hurt by rough treatment—governmental or other. Gradually, however, orthodoxy found itself; the consequences of the new ideas were exposed; and then the hunt was on.

This was one of those times in history when a revolution was respectable until its later stages were reached. Then it was

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too late. For even nature was betrayed this time. She had equipped the defenders of the faith with practically all of the organs of opinion, with most of the wealth, and certainly all of the prestige. But somehow things did not go well. The organs of opinion were at first betrayed by their servants and a new lot had to be broken in; wealth seemed not to be bulwarked so safely as in the past, and prestige proved pervious to recurrent depression. Then, too, right up to the year of calamity, opinion, wealth and prestige seemed to be on the side of precision. It looked as though endless money was to be made out of it. The new era was conspicuously an era of economy, of planning, of spare strength, of new gleaming materials, of swift communication, of the near-abolition of labor as such. It took a débâcle to convince the apostles of the new era that they had been led astray; even then many could not see it. After calamity arrived the old orthodoxies came out of their cellars again to assume responsibility for reconstruction. And they had powerful backing now.

They could complain that money was not to be made out of these new ways, as had been argued; that collectivization was implied and, they asked, was this what was wanted after all the long struggle against Marx? We must go back, they said, to the old virtues, back to littleness, to thrift, to handicraft, to rule of thumb. And in a subtle way they linked the retreat to religion, to morals, to the customs of rural America, to the homely farmstead virtues of work and saving. But the germs of exactitude had escaped from the windows in Schenectady long since and could not be reconfined; to the horror of its chief practitioners, they appeared in Albany and then in Washington itself.

IV

This escape was probably one of those really formative accidents of which we hear too little when they lack a certain romantic appeal. All schoolboys learn how the cackling geese warned Rome; they are surprised to discover in after years that Rome fell after all—not on that occasion but on one of which they had not heard. What it is intended to convey is that the nature of the present crisis has been misunderstood;

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and that the great champion of exactitude in government did his most significant work behind a screen of other talents which had all the attention. The geese cackled and Rome was saved only to fall from an unanticipated assault. The men of precision had a suspicion of what was going on and were pretty generally antagonistic. They had violated freely enough all the conventions of their own disciplines; they resented, nevertheless, the violation of orthodoxies in fields beyond their competence; or else they saw a threat to more valued interests.

The noises heard in those years were the groaning and creaking of an antiquated, handmade, wasteful and ineffecual social machine. The warnings were believed to require modernization. But modernization proved to be the silent enemy within the gates—the opportunity precision had needed. For, although grease was applied to the old machine to keep it running a while, a new machine was more and more clearly seen to be needed. Certain plans for it were prepared—but not people's minds.

It was impossible that politics should be immune to contemporary thought. Yet that seems to have been expected. The consequences of this anachronistic expectation are not yet calculated. It is, however, clear that they will be enormous—quite as great, for instance, as those involved in the corresponding delays when precision came to biology and to industry. It was unfortunate that this particular penetration had to encounter ultrarigid doctrines. To Americans, individual liberty is especially precious; and hitherto we have been able to escape much limitation of it. Corollary to the preservation of liberty has been a vast suspicion of government, and especially, in recent years, of the federal executive. It just happens, also, that we have not quite emerged from an age in which special privileges have been hidden by the veil of our regard for liberty. Our failure to perceive that the essentials of government were escaping from formal government into industry permitted industry to modernize itself without respecting these precious liberties. Everything we had fought to keep from government was being taken away from us by industry—curiously enough in the name of liberty itself.

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The modernizing of the economic life was thus carried out without modernizing political economy. Precision seemed to be an advantage in money-making; it seemed to violate our liberties in government. Yet money-making tended to destroy itself through inner conflict. Precision could not function successfully in the same system with regrating, forestalling and withholding. Those essentially mediaeval customs survived in business; but business had to govern an ultramodern industry. Consequently it substituted power and machines for labor but regarded unemployment as an evil; it piled up surpluses which it then contemplated with horror; it entrusted even its credit functions to those with private interests to serve, and then complained of panics.

The matter went so far that no cure short of wholesale social intervention seemed possible. But we had a government which was about what a David Harum would have calculated it ought to be to prevent overcheating in horse trades. When the germs of exactitude infected Albany, they fell upon a candidate who was as yet more familiar with David Harum than with Einstein. He inclined to talking about reduced government expenses, the protecting of states' rights, the enlarging of the sphere of competition, and the sacredness of small business. In this he was quite like Calvin Coolidge. But unlike Coolidge this candidate had to try to use the David Harum technique on a full-sized modern débâcle. It was when this failed that precision began to win its way in government.

It seems amazing, as we look back, how badly our other ideas were adjusted to so necessary a newcomer. Years later straw votes would continue to show that majorities were against the way in which everything was done, even while they favored the leader who was responsible for doing it. People wanted the results; but they liked nothing which was done to produce them. But it was not only the unthinking masses who were against everything symbolized by economic councils, by delegations of power to the executive, and by the development of administrative law. Men of exactitude also reflected popular prejudice in heightened degree. Yet these were the minimum corollaries in government of the triumph of precision in industry.

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There seems to be a kind of law which determines that the good people of the community shall be opposed to the community's interests. That is one generalization which each reformer discovers separately for himself. But he also discovers that this is so not exclusively because good people always dislike reformers or because they pursue their own interests; but also partly because good people distrust any expertness other than their own and because they fear that improved government will limit their own experimentation. Those who made up the "brain trust" might have felt themselves ill used if they had been less well read in recent political history. But Tom Johnson, F. C. Howe, Lincoln Steffens and Brand Whitlock, the municipal reformers on whose books this group had been nourished, all had testified to ostracism and obloquy. Their cases were clearly similar—that was when precision was creeping into municipal affairs. They might have felt worse, also, if they had not been educators. Being teachers, for the most part, they knew how illy education had prepared a citizenry to understand its crises or to sacrifice its prerogatives. They knew that the nation was schooled in orthodoxy and in individualism; and they knew the penalty for dissent.

Yet the uses of exactitude in politics were indispensable ones. And certainly for any of its accidental champions there ought to have been reward enough in the undoubted progress government made toward modernization. What they might legitimately have wished for, perhaps, was that education should have advanced as rapidly in its appreciation of precision. For government cannot be secure in its access to exactitude except by the leave of those who have been educated in a place from which orthodoxy and intellectual arrogance have departed.

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THE FAIR LABOR STANDARDS ACT OF 1938 II

The Act as Finally Passed

THE contents of the act [82] may perhaps best be considered under the provisions which it makes concerning: (1) the general range of industries covered, (2) maximum hours of work, (3) minimum hourly wage rates, (4) child labor, and (5) administration and enforcement. We turn, therefore, to a discussion of each of these points in turn; although it will be necessary to make some reference to the last feature, namely, that of administration, in discussing each of the first three.

1. *The General Scope of the Act*

Since the act is based on the commerce clause of the Constitution, it limits its field to those private industries whose products enter into interstate commerce, and excludes the final intrastate distribution of those goods, as well as the furnishing of personal services within states. Even within the limits which are thus marked out, however, there are numerous industries which are given complete exemptions from the wages and hours provisions of the act, and further provisions for differential treatment concerning both wages and hours and child labor.

In general, the wage-earners in manufacturing, mining, quarrying and forestry are those predominantly included in the act, which applies not only to the continental United States, but also to Alaska and the insular possessions as well, including Porto Rico, the Virgin Islands and Hawaii. Agriculture is specifically excluded, so far as the wages and hours sections are concerned, and this term is broadly defined to include: (1) horticulture, (2) dairying, (3) the raising of bees, livestock, poultry, etc., (4) the cutting or planting of timber on

[82] Public No. 718, 75th Congress, 3d session.

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the farm itself, (5) the gathering of crude gum and products processed from it by the original procedures, such as spirits of turpentine and gum rosin,[83] and (6) the preparation for market of all such products and their delivery to storage, to market, or to carriers. In addition, most processing in the "areas of production" is also exempt. This has been defined by the administrator as processing or employment taking place on a farm of commodities produced exclusively on the farm, or if the commodities processed are obtained in the immediate locality of the processing establishment and the number of employees does not exceed seven. These processing exemptions are to apply to the ginning of cotton, the storage of grains in local elevators, the handling and packing of fruits and vegetables, and their canning and preserving, the pasteurizing of milk, and the making of cheese, butter, and other dairy products. In addition, fishermen and seamen are also exempt from the wages and hours sections, as are those engaged in the handling, packing and curing of fish and marine products.

While the actual processes of transportation and communication might be expected to fall within the act, the exemptions here are numerous. First of all, postal workers are not included, since they are government employees. Then, employees of most pipe lines,[84] of local electric railways, and local motor bus carriers, and those in the aviation industry, are excluded from both the wages and the hours sections of the act. Interstate motor bus carriers, concerning whom the Interstate Commerce Commission has the power to fix the qualifications and the maximum hours of service, are outside the hours —but not outside the wages—provisions. It is the latter situation which applies also to all employees covered by Part I of the Interstate Commerce Act, namely, that while their hours cannot be regulated by the Fair Labor Standards Act, their wages can be. This would mean that the railway workers and those in the employ of telegraph, telephone, express and sleeping car companies, etc., will be covered by the wages though

[83] These exemptions come from adopting the definition of agriculture followed in the Agricultural Marketing Act.

[84] See Section 13, B.

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not by the hours sections. So far as the railway employees, however, are concerned, the vast majority, with the exception of the maintenance of way staff,[85] are already receiving more than any minimum which is likely to be set.

In addition, the act does not apply to any person employed in a "bona fide executive, administrative", or "professional capacity", irrespective of the line of work followed.[86] But those salaried workers in interstate industry who perform primarily routine work, and who are not responsible for policies, are definitely included. Similarly, all persons directly engaged in retailing (including outside salesmen) are also excluded; as are those who, though not directly engaged in retailing or servicing, are in the employ of establishments who do the major part of their business within the state. In *Interpretative Bulletin* No. 5, issued December 2, 1938, the administrator has stated that employees engaged in making sales at wholesale across state lines, or in work incidental thereto, are "engaged in commerce." Such employees are, therefore, included. The question was raised as to the scope of the term establishment in the case of chain-store systems, branch stores, groups of independent retailers organized to carry on business in a manner similar to chain-store systems, and retail or service outlets of large manufacturing or distributing concerns. The administrator has held that in the ordinary case, each physically separated unit or branch store will be considered a separate establishment within the meaning of the exemption.[87] Chain stores are, therefore, exempt as are also the retail outlets oper-

[85] Earnings are low among the maintenance of way workers on the railways. It was estimated at the hearing on the bill that there were 200,000 in November 1935 who received less than 40 cents an hour, and 117,000 who got less than 35 cents. In some cases, the hourly wage was as low as 15 cents. Watchmen at crossings commonly worked 30 days a month and averaged 9.6 hours a day. *Hearings*, Testimony of L. K. Keller, pp. 1150, 1155. On Aug. 5, 1937 and Oct. 3, 1937 agreements were signed by the unions and the operators which increased the wages of substantially all groups of railway labor. The increases have been estimated on an over-all basis as approximately 7½ or 8 per cent for all employees.

[86] For definitions of these terms issued by the administrator see *Interpretative Bulletin* No. 1. Also see *Interpretative Bulletins* 5 and 6.

[87] See *Interpretative Bulletin* No. 6.

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ated by mail-order houses (such as Sears, Roebuck) but the mail-order business itself is probably subject to the law. It would seem clear that all retail stores, gas and oil stations, restaurants, hotels, etc. are excluded, and that this is also the case with virtually all laundries and dry-cleaning establishments and automobile repair shops. Building and construction would also seem to be outside the scope of the act, except in rare cases. Finally, while the production departments of newspapers, and probably certain other departments, are commonly within the act, this is not the case with the so-called country newspapers, where these are printed only weekly or semi-weekly and have a circulation of less than 3,000, the major portion of which is within the county in which the paper is published. Regarding industrial home work the administrator has ruled that such work comes within the terms of the act. He admitted, however, that enforcement will be extremely difficult and that the matter will require a great deal of study before effective controls are developed.

Any estimate of the total number of workers employed in those industries covered by the wages and hours sections of the act is subject to a considerable margin of error, because of some uncertainty as to how far the exclusions among the so-called clerical and salaried workers will actually extend, and because of the fluctuations in employment in the industries covered. It is probably safe to conclude, however, on the basis of 1935 figures, that the numbers in the industries covered would then have been not far from eleven or twelve million. In view of the decrease in employment since then, this number would be correspondingly reduced. How many of these would be actually affected by the minimum wages and maximum hours which are to be established is still more uncertain. The U. S. Department of Labor estimated in August of 1938 that on the basis of a forty-hour week four millions of workers will have their hours of work reduced. In October 1938, Administrator Andrews estimated that during the first year the law is in effect 750,000 workers would receive pay increases and upward of 1,500,000 employees would have their hours of work reduced. These estimates were later revised downward

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when in the middle of January 1939 Mr. Andrews stated [87a] there were about 300,000 wage-earners in industries covered by the act who were, immediately prior to its inception, receiving less than 25 cents a hour and about 1,380,000 whose normal work-week had been in excess of 44 hours. On the whole, it is clear that appreciably more workers will be affected by the statutory reduction in standard working hours than by the required legal minima of 25 and 30 cents an hour.

2. *Hours of Work*

For the industries covered by the act, the standard hours of work per week, for the first year following the effective date of the act (October 24, 1938),[88] are 44. This is to be decreased to 42 hours during the second year, and to 40 hours during the third and subsequent years. These, however, are not to be ironclad maxima, since hours in excess of this may be worked, if time and a half is paid (subject to certain exemptions) for all hours worked in excess of these totals. This provision gives to employers a needed elasticity for emergencies; but by requiring them to pay an extra bonus or penalty for such work, it distinctly discourages them from chronically resorting to overtime; and hence lends a certain degree of self-enforcement to the provisions. The above rules are not to be altered on the basis of age, sex, locality, or size of plant.

In order to ease the burden on certain sets of industries, however, further elasticities are permitted. Thus, in industries which the administrator finds to be of a "seasonal nature", the maximum hours provisions are to be lifted during not more than 14 weeks a year, subject to the qualification that, if the hours of work within these periods exceed 12 in any one day or 56 in a given week, then such excess is to be paid for at the rate of time and a half. The definition of "seasonal" industries presented an important issue. If it applied to industries which carry on operations throughout the year, but which have one or more pronounced seasonal "peaks" (such

[87a] *Administrator's Annual Report to Congress*, released to the press on January 16, 1939.

[88] This was to be 120 days after the enactment of the act.

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as men's and women's clothing and millinery), then the number whose hours of work were actually shortened by the law would be greatly reduced. If, however, the term were restricted only to those industries which run for a given season and then close for the rest of the year (such as most fruit, vegetable and fish canneries), these exemptions would not have seriously reduced the total number covered. The administrator accepted the latter interpretation and described a seasonal industry as one which engages in the handling, extracting or the processing of materials during one or more seasons each year and, except for maintenance, repair, clerical and sales work, ceases production at other seasons of the year. In the handling, slaughtering and dressing of livestock and poultry, the hours provisions are completely lifted for 14 weeks during the year, and no overtime bonuses need be paid during these periods, however long the actual hours worked.[89]

It is possible that the penalty provisions for overtime will frequently lead to a reduction in the basic hourly rates where those are above the minima. Certainly there will often be a financial inducement to do so. Consider an enterprise where the normal hours of work are now 48, and where the basic hourly rate is 60 cents. Let us assume this concern will, for various reasons, deem it impracticable to reduce the actual working hours to 44, and later to 42 and 40 hours per week, and that it continues to work the 48 hours. If the overtime penalties were to be paid at the basic rate of 60 cents an hour, this would mean payments for 50 hours during the first year $[(44) + (4 \times 1.5)]$; for 51 hours the next $[(42) + (6 \times 1.5)]$; and for 52 hours during the succeeding years. This would mean actual weekly payments of $30.00, $30.60 and $31.20, instead of the present $28.80. In order to avoid these extra costs, the employer would certainly be tempted to

[89] There is a degree of ambiguity and of internal contradiction in the rules concerning hours of work in (1) canning and packing perishable fruits and vegetables, and (2) the first processing of any agricultural or horticultural commodity.

All of these are apparently completely exempted under Section 13. But under Section 7, C, the hours restrictions are merely lifted for 14 weeks in the year. We assume, however, that on these points, Section 13 is controlling.

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reduce his basic hourly rate to, let us say, 57.6 cents, so that the total for the first year for 50 hours' pay would be, as now, $28.80. He would want, indeed, to reduce it still further so that the application of the 42 and then of the 40-hour week would also not bring any increase in wage costs.

And yet, of course, if such reductions could generally be made, the act would be almost completely ineffective in reducing the actual hours worked per person, since the penalty for overtime would be purely nominal and in no sense real. The act tries to guard against this and other similar contingencies by stating that none of its provisions "shall justify any employer in reducing a wage paid by him which is in excess of the applicable minimum wage under the act."[90] It is not explicitly stated, however, that this is intended to be an outright legal prohibition of such acts. It would, indeed, be very dubious public policy to do so, since this would freeze existing wage scales at their present levels and prevent any future reductions, whether caused by a depression, a fall in prices, or some other factor. That such reductions are in all probability not explicitly prohibited by the act is seen from the fact that they are not included in the specified list of acts which are declared to be illegal.[91] But it is reported that the administrator has stated that employers who reduced wages as a result of the act were acting in a "most illegal manner." He admitted that as the law now stands no penalty is provided for such action, but claimed that Section 18 was included to take care of just such a tendency. He indicated that he was looking for a good example of such wage reductions to begin prosecution and make a test case of it.[92] One possibility of preventing such acts would be through the power given the administrator to issue orders which will prevent wage rulings from being circumvented.[93] If this power could by interpretation be extended to prevent wage cutting, which would render the hours provisions ineffective, then violation of these orders

[90] Section 18.

[91] Section 15.

[92] *The New York Times*, Nov. 22, 1938.

[93] Section 8, b.

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would be illegal, and hence punishable. This issue will be discussed more fully in the section dealing with wages.

The drafters of the act were in something of a dilemma as to how they would fit two sets of conditions into their plan of hours regulation. These were: (1) collective agreements between employers and unions, which called for more than the maxima which they wished to set; and (2) guaranteed employment and annual wage plans such as those of the Hormel Packing Company, Proctor and Gamble, certain divisions of Sears, Roebuck, etc., in which employment and given weekly earnings are guaranteed for a year or half-year, but where the hours per week are in most cases made flexible, so that in the dull seasons the workers would work fewer hours than the given standard, and in busy seasons possibly more.[94] The principle behind this plan is that it is better to vary the hours an employee works per week than to vary the number of workers by alternate lay-offs and hirings.

Since Congress felt it desirable to confine its regulations as much as possible to those areas which were not covered by collective bargaining, and since there was also a strong sentiment in favor of encouraging rather than discouraging the plans for a guaranteed annual wage, an attempt was made to reconcile the act with these conditions. The rule was, therefore, established that if an employer and his employees mutually agreed under conditions of genuine collective bargaining[95] that the hours of work might be more than the maxima in given weeks, they might do so if the agreement further provided that an employee should not work more than a total of 1,000 hours in a half-year, or 2,000 hours in a full year.

[94] For the details of the Hormel plan, see the testimony of Mr. Jay C. Hormel before the Senate Committee on Unemployment and Relief (1938), 75th Congress, 3d session, *Hearings*, vol. 2, pp. 943-947; and the favorable testimony of Messrs. Franklin and Jacob of the local C.I.O. union, *ibid.*, pp. 987-997. Under the Hormel plan, while workers may work less than 40 hours a week they seldom, if ever, work more than 40 hours. For a description of the Proctor and Gamble plan, see Herbert Feis, *Labor Relations*, pp. 96-122.

[95] The National Labor Relations Board is to act as the certifying agent as to whether the agreement is in fact bona fide.

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This would give an average of slightly less than 40 hours a week.

The effect of this rule upon guaranteed employment plans will be most interesting to observe. In these cases (unless the industry is classified as seasonal), the hours in any week can only be raised above the minimum, if a collective agreement to that effect is made. This would not disqualify the Hormel plan, where there is collective bargaining between the company and a C. I. O. union; but it would rule out, in their present form, a number of other plans. These companies will, therefore, have the choice of abandoning the flexible hours feature of their plans, or of negotiating a genuine collective agreement which will permit them to do so.

In those cases where workers and employers already have collective agreements for more than the maximum number of hours, these agreements, in order to be held valid, must be amended in the future to provide that during the half or whole year, no employee shall work more than a total of 1,000 or 2,000 hours respectively. In all probability, such amendments will not be difficult to negotiate, since a certain tolerance can be given by debiting absenteeism, lost time within employment, etc., from the total of hours. But computation and enforcement will be difficult in those instances where an employee works for more than one employer during such a period.

3. *Minimum Hourly Rates*

For the first effective year, the minimum hourly rate in the included industries is to be 25 cents. Since the maximum basic working week during this year is 44 hours, this means that the minimum full-time weekly wage is to be $11. By the beginning of the second year (October 24, 1939), the minimum hourly rate must be at least 30 cents. With the maximum basic weekly hours of work 42, this will be equivalent to a minimum full-time wage of $12.60. Contrary to a popular impression, there is no requirement in the act that wages after the second year must rise above 30 cents an hour, and also no requirement that they must reach 40 cents after the end of seven years.

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Instead, the wage rates may vary for specific industries between the minima for the first and second years of 25 and 30 cents an hour and the 40-cent maximum, according to recommendations made by industry committees and prescribed in orders by the administrator. Even during the first year, while no wage can be set which is less than 25 cents an hour, the rates may go as high, but no higher, than 40 cents; while during the second and subsequent years, the rates may range between 30 and 40 cents.[96] A broad zone is thus created within which administrative discretion may be exercised.

It is commonly believed that after the seventh year, or beginning with October 24, 1945, the basic wage must be at least 40 cents an hour. This is a misapprehension. While Section 6 does apparently provide for this, this clause is immediately followed by a clause stating that if the rate issued by the administrator for a given occupation is less than 40 cents, this lower rate is to be the legal minimum. Moreover, by Section 8, e, the administrator is empowered to continue wage rulings beyond October 24, 1945, if he and the appropriate industry committee both believe this to be necessary to prevent a "substantial curtailment of employment."

As we have intimated, a committee is to be appointed for each industry by the administrator. Such committees need be of no definite size, but are to include equal numbers of representatives of the public, the employers and the employees, respectively. The appointments within each of these groups are to be made with "due regard to the geographical regions in which the industry is carried on." A member of the public group is in each case to serve as chairman. The members are to be paid for their services, which will make it possible for rank and file workers to serve as representatives for their side.

The administrator is to furnish each committee with adequate legal and other assistance, and shall submit to it such economic and statistical data as he may have available. He is also to prescribe the procedure which is to be followed by the committee. But the committee has the duty to conduct an inde-

[96] This means that in the third year the basic weekly rate will be $12.00 (30 cents × 40).

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pendent investigation and to summon such witnesses and take such evidence as it may deem necessary and proper. It may also ask the administrator for additional information from time to time. The committees are not only to recommend an initial wage, but are also to meet from time to time at the call of the administrator to consider revisions in the scale. These meetings, however, need not be at stated intervals.

In making its recommendations for a general minimum hourly rate for an industry, each committee is to be guided by the declared policy of the act of "reaching, as rapidly as is economically feasible, the objective of a universal minimum wage of 40 cents an hour in each industry." [97] But this statement of purpose is qualified by the explicit provision that the committees and the administrator are, at the same time, to avoid "substantially curtailing employment," [98] and are to pay "due regard to economic and competitive conditions." [99]

The minimum rates fixed need not be the same in all industries, but may vary from industry to industry from the statutory minimum to the upper limit of 40 cents. This would not be the case were the cost of living to the workers to be the sole criterion; it results from the provision that employment is not substantially to be curtailed, and because of the weight which is to be given to "economic and competitive conditions." Within an industry, the minimum rates which are recommended by the committees are not to be differentiated explicitly according to age, sex, or size of establishment.

What then are the more specific criteria which the committees and the administrator are to bear in mind in fixing minimum wage rates for an industry? They are at least six in number, although the committees are evidently privileged to consider others as well.

(1) The wages established for work of like, or comparable, character by genuine collective bargaining. While the administrative authorities are not compelled to generalize such union wage rates, there is a presumption in the act that they

[97] Section 8, a.

[98] *Ibid.*

[99] Section 8, b.

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are to be treated as persuasive even though not controlling. To the degree that the rates in non-union plants are moved up toward the union scale, then the competitive strain upon the union plants will be lessened, and the plants and the union itself, will be given a greater opportunity to survive and flourish than would otherwise be the case.

(2) A second factor to be explicitly considered is that of "the wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards in the industry." This sets up the criterion of the "fair" employer, which may serve as a substitute for union scales, where these are lacking in an industry, or as a complementary standard to them. The act does not specify how large must be the relative number of these "fair" employers, whose wage rates are to be borne in mind, but properly leaves this to the discretion of the committees and the administrator.

(3) While it is stated that "no minimum wage rate shall be fixed, solely on a regional basis," [100] there are three other factors which are to be taken into consideration and which may justify regional differentials. The first of these is "transportation costs". As we have already seen, it is probable that the South is appreciably discriminated against in the matter of freight rates in comparison with the East, although it is possible that the West may also be at least as much discriminated against.[101] The southern states have been largely compensated (and perhaps more than compensated) for this in the form of lower wage rates. To raise basic wages to an equality with the North would be to cause the freight rate differential to weigh heavily against them, and might work hardship to southern industry and cause appreciable unemployment there. But it surely would ultimately be better for the freight rates themselves to be placed on a comparable basis than for southern workers to be forced to accept lower wages in order to subsidize the Northeast with lower transportation costs.

[100] Section 8, c.

[101] The average weighted rates per 100 pounds for equal distances are even higher in the West than in the South. Mountainous country and relatively meager traffic may, however, account for this.

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(4) A fourth criterion is that of "living costs". These may involve differentials on one or both of the following bases: (a) according to the relative population of the community or metropolitan area in which the work is performed, and (b) according to regions.

In connection with the first basis, it is well known that the cost of living is commonly lower in the smaller towns and cities than it is in the larger urban centers.[102] A uniform money wage would, therefore, give a higher real wage to those working in areas with lower living costs. Furthermore, a uniform wage would also tend to "freeze" industries in their present relative distribution between city and country, or actually to increase their concentration in cities because of their transportation facilities. A lower money wage for the smaller towns and cities, which might mean the same real wage, would, however, promote a degree of industrial decentralization which was desired not only by many members of Congress, but by many witnesses at the hearings as well.[103]

Some southern industries will also undoubtedly argue that the criterion of relative living costs should justify lower basic wages for their region than for others. Such claims are, however, sometimes based upon the relative costs of different "planes" or "levels" of living, and not upon the relative regional costs of the same "plane" or "level". Thus, there is no doubt that the average level of material living for the southern wage-earners and farmers is appreciably lower than that for the same groups in the North and East.[104] This is primarily caused by the lower level in the South of farm incomes and of wages. It is more the result of, rather than a cause for, lower wages.

When the relative cost of comparable living standards is taken, it seems that the difference between the North and South

[102] See the study made by the W.P.A., *Intercity Differences in Costs of Living in March, 1935, 59 Cities* (1937).

[103] See the testimony of General Robert E. Wood, *Hearings*, pp. 610-12.

[104] See the report produced the summer of 1938 by eminent Southerners appointed by the National Emergency Council.

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as regards cities of equal size is not so great.[105] Food costs do not differ greatly between North and South, as has already been ascertained, although there is a tendency for the New England cities to average more than the countrywide average.[106] Nor is there an appreciable degree of difference so far as clothing is concerned. The one great advantage which the South has is its lower fuel costs; while rents are also lower. Part of this latter item, however, reflects a lower level of housing rather than solely lower costs for the same level.

(5) Another standard is that of production costs. The apparent purpose of this clause is to permit the committees and the administrators to fix lower wages for those sections of an industry which for various reasons have higher than average production costs. It should be noted that this possible standard may conflict with the first and second, namely, those which set as norms the scales established in unionized plants or in those of fair employers.

The arguments in favor of taking unit production costs into consideration are primarily three. (a) It is urged that this is necessary to prevent the unemployment which would follow if the high cost firms had to pay the same wages as the lower cost firms. (b) It is urged that there are certain regions of the country, notably the South, where manufacturing industries suffer from the disadvantages of a late start. A supply of skilled labor is often lacking, as well as the presence of subsidiary and allied plants and industries which give external economies to the plants in the long-established centers. To require these firms to pay the same wage as those in the older manufacturing regions would, it is alleged, make it impossible for them to continue or to flourish. If they were allowed to pay lower wages for a transitional period, the plants in the newly established regions, it is said, would ultimately develop efficiencies which would permit them to stand on their own feet and pay the same wages as their competitors elsewhere. This contention, it will be noticed, is essentially the same as

[105] See the W.P.A. report, *Intercity Differences in Costs of Living.*

[106] Schoenberg (Wulff) and Douglas, "Studies in the Supply Curve of Labor", *Journal of Political Economy*, Feb. 1937 (vol. XLV), p. 79.

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the "infant industry" argument in behalf of a protective tariff. (c) Finally, it is contended that it is desirable to subsidize the more inefficient plants in order to preserve competition and protect the consumers from the monopolistic boosting of prices by the remaining concerns.

There is a case for subsidizing infant industries, and this holds for the development of industries within new regions as well as within new countries. It would seem, however, that the low paid workers should not do the subsidizing, and that this should come from the communities themselves in the form of bounties paid out of taxes. Lower wages on this score would seem to be justifiable only as a reflection of possible lower skills.

The other contentions are certainly not well taken. A wage which was uniform to all producers would mean in general that the more efficient firms would survive, while the relatively inefficient would be eliminated. Society would, therefore, have its goods produced at lower cost than otherwise, and if competition were preserved would receive them at lower prices than if the high cost producers were still in the field. Nor would permanent unemployment result, since the workers who were squeezed out of the inefficient plants would ultimately be able to find work in the more efficient enterprises. Indeed, the total demand for labor might well increase because of the work being done by the more efficient plants with lower costs. It is more than doubtful whether competition depends for its maintenance upon keeping high cost producers in business. In most competitive industries, the elimination of a few high cost producers would still preserve a competitive basis. It is, moreover, a mistake to conclude that the larger the enterprise, the lower the average production costs. On the contrary, there is certainly an optimum point for each plant and, indeed, for each company beyond which average costs will increase. Finally, we should not ignore the possibility that an increase in the wage rate may, in many cases, galvanize a hitherto inefficient management into reducing other production costs if it can no longer be subsidized by an unduly low wage rate.

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It would seem, therefore, on the whole to be sounder theory for minimum hourly labor rates to be made uniform, and for the struggle for survival to take place on the basis of relative effectiveness than for inefficiency to be subsidized at the expense of the lowest paid workers.

(6) The final consideration to be taken into account is that of avoiding "substantial" curtailments of employment in the given industries. In other words, the wage rates are not to be fixed so high as to force any considerable proportion out of work. It will not be easy for the committees and administrator to determine in advance the most probable effects on employment of any particular wage rate. A major consideration, even though not consciously formulated, will be the elasticity of the curve of marginal value productivity. This will have a steeper slope than that of the negatively inclined marginal physical productivity curve, since it will also reflect the relative change in price per unit which will accompany changes in output. Other things being equal, the more inelastic the demand, the less the decrease in employment which will accompany a given increase in wages. We might expect, therefore, that wages might be increased in these industries more than in others where the demand curve for labor is relatively elastic.

In view of the paucity of information on these points and the skeptical attitude which the political and administrative world takes toward the theory of marginal productivity, it is not easy to see how such considerations can furnish precise guides before the wages are set; and the main influence will perhaps come from a process of trial and error.[107]

Another difficulty in forecasting the effect of a given wage increase is the uncertainty as to whether or not bank credit is

[107] Two weeks after the law was put into operation Administrator Andrews reported to the President that in all, between 30,000 and 50,000 persons, or less than one half of one per cent of the workers affected by the law, lost their employment for reasons probably traceable to the act. Of these about 90 per cent were concentrated in a few industries in the South such as pecan shelling, tobacco stemming, lumbering and bagging. The act did not prevent a substantial increase in general employment during the months which immediately followed.

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expanded commensurately with the increase in marginal costs. If it is, then there will be a raising of the money demand curve for products which will go far (to the degree that it is general) to offset any increase in marginal costs and to reduce the amount of unemployment which might otherwise be caused if the total supply of bank credit were kept constant.

The above six factors furnish, in the main, standards for the basic wage in an industry. It should also be added that higher wages may be fixed for certain occupations or crafts in an industry than for others, provided that the 40-cent limit is not exceeded. Here the committees are to bear in mind such criteria as the rates paid by "fair" employers and obtained by collective bargaining, as well as the need of not "substantially" curtailing employment.

But while differentials may be provided between industries, regions and crafts, they are not to be based on considerations of age or sex.[108] The principle of "equal pay for equal work" as between men and women is, therefore, at least theoretically affirmed so far as the minimum is concerned.

Returning now to the procedure and powers of the various industry committees, it should be mentioned that two thirds of the membership of a committee shall constitute a quorum, and any decision which it makes shall require a majority of its entire number. While no mention is made in the act of the filing of possible minority reports, these are not forbidden, and will in all probability, therefore, be permitted.

Once the committee files its report with its wage recommendations, the administrator shall give due notice to the interested parties, and arrange a hearing at which they have an opportunity to be heard. After this hearing, and after considering both the report and the evidence, the administrator may either approve the report and embody its recommendations in orders which he issues, or he may reject the report and refer the issues either back to the same committee or to a new committee which he constitutes for this purpose. He may not, however, modify or alter the recommendations himself. The

[108] Section 8, c.

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precedent established by the Oregon and Washington wage acts for women [109] is, therefore, followed, rather than the procedure permitted by certain other minimum wage laws.

In order to give a needed elasticity to the general wage orders, and to avert the possibility that they may fall with undue severity upon particular individuals who for one reason or another are sub-standard, the administrator, "to prevent curtailment of opportunities for employment," shall provide special certificates permitting the employment at less than the minimum rates of "individuals whose earning capacity is impaired by age or physical or mental deficiency or injury." [110] These certificates are, however, to be issued upon an individual rather than upon a general basis, and the degree to which the wage may fall below the minimum, and the length of time for which the exemption is to be granted, are to be stated in the certificates themselves.

The administrator is also to issue general regulations which will permit the employment at lower wages than the minimum of "learners, of apprentices, and of messengers employed exclusively in delivering letters and messages." [111] Such employment is to be permitted under special certificates, but these again are to be subject to "such limitations as to time, number, proportion and length of service as the administrator shall prescribe."

No special provision is made in the act for the conditions governing the payment of piece rates; and this omission may, at first sight, seem surprising. The provision for learners, however, can be used to give a certain degree of elasticity for this type of work. Beginners at piece rates cannot typically be expected to produce the output of qualified workers, and hence cannot normally earn the going wage of the latter. A learning period can, however, be set up for them during which their earnings need not equal the minimum wage. But after this period has expired, their wage receipts must equal the

[109] This may have been done because the Washington act had been held to be constitutional.

[110] Section 14.

[111] *Ibid.*

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minimum set. If they do not, then for as long as they are employed, they must receive an allowance which will bring their earnings up to the minimum. If their earnings seriously fall below the minimum for any considerable period of employment, then the employer will be permitted to drop them from his rolls, and presumably will do so,[112] unless they are able to obtain certificates on the ground of "age or physical or mental disability or injury." [113]

There is a further consideration which should not be neglected. Since the minimum wage and maximum hour provisions apply to Hawaii, Porto Rico and the Virgin Islands, as well as to the continental United States, and since wages in at least the last two are distinctly low, an appreciable increase in wage rates will be required there even if only the statutory minima of 25 and 30 cents an hour are applied. Whether this will merely prevent exploitation of the employed workers, or whether it will also lead to widespread unemployment through an inability of a considerable percentage of the workers to "produce" these minimum amounts of value for their employers, is a matter to be closely observed and studied.[114] A similar study is, of course, also needed for the continental United States itself.

4. *Child Labor Provisions*

The rules concerning child labor are largely modeled upon the provisions of the 1916 law, although they are somewhat more stringent than those in certain respects; while in others they grant a greater degree of discretion to the administrative authorities. Child labor in retailing, the sale of personal ser-

[112] That there are certain difficulties connected with combining piece rates with a guaranteed hourly wage is undeniable.

[113] Even then, there will be some disadvantage to the employer in retaining them, if they can be replaced by standard workers, since the unit overhead costs will be heavier for their lower output than they would be for the higher outputs of the better workers.

[114] Apparently a certain amount of sentiment is developing in Porto Rico to obtain an exemption for the industries of that island. Whether this sentiment is stimulated by employer or by public interests is, however, not certain.

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vices and in the street trades is not regulated by this act.[115] These trades have been the very occupations, outside of agriculture, into which in late years children have been primarily entering, and in which the predominant majority of non-agricultural child workers are now employed. While agriculture is, however, excluded from the wages and hours provisions, it is not from the child labor sections—although the terms of regulation are much weaker than for manufacturing, mining, interstate transportation, and "commerce" between the states. Nor are the "processing" industries excluded from these provisions. Child actors, whether in motion pictures or in theatrical productions are, however, excluded.

The general minimum age for entrance into industry is fixed at 16 instead of 14 years as was the case in the 1916 law. This minimum does not apply, however, in those industries outside of manufacturing and mining where a parent employs his own child. In the two major industries specified, however, such employment even within the family is not a ground for exemption. The chief of the Children's Bureau of the Department of Labor is made the administrative authority for all these provisions and is given the power: (1) to raise the minimum age from 16 to 18 years in those occupations which are found "to be particularly hazardous for the employment of children between such ages or detrimental to their health or well-being"; (2) to lower the minimum age of entrance from 16 to 14 years in occupations outside of manufacturing and mining, where such employment is "confined to periods which will not interfere with their schooling and to conditions which will not interfere with their health and well-being."

Taken all in all, Mr. Homer Folks, the well-informed chairman of the National Child Labor Committee, estimates that only some 30,000 child workers will be actually affected by the act in the non-agricultural industries.[116] This estimate is apparently on the basis of a uniform 16-year minimum, without

[115] The proposed constitutional amendment would, however, make it possible for Congress to pass legislation which would cover them.

[116] Homer Folks, *Changes and Trends in Child Labor and Its Control.*

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regard to the possible lowering or raising of this age for specific occupations.

The act should have some effect upon industrialized agriculture, but how much this will be is somewhat uncertain. If the children who work as parts of a family group are held to be employed by their parents, then they will not be covered by the act. The act, moreover, expressly states that these provisions "shall not apply . . . to any employee employed in agriculture while not legally required to attend school." Work outside the family during the vacation periods and before and after school hours is, therefore, not prohibited. Nor is this all. For, as Mr. Folks points out, in most states "children of *migratory* families are not subject to the compulsory school attendance laws of the communities in which they reside only temporarily." Moreover, in those states which permit exemptions for children in agriculture even during the school year, such child workers will not be covered.

5. *Administration and Enforcement* [117]

The administrator who is in charge of the wages and hours features is placed in the Department of Labor and at the head of a Wages and Hours Division. He is appointed by the President, subject to ratification by the Senate, and holds office for no stated period of time. This would seem to indicate he is to serve indefinitely, until he either resigns or is removed for cause by the President.[118] All of the employees who are

[117] It is perhaps worth noting that the administrator is beginning the enforcement of the law with a large majority of the population in favor of the legislation. A study made by the Institute of Public Opinion which was published on Jan. 1, 1939, indicated that 71 per cent of the voters answered affirmatively to the question "Are you in favor of the new Wages and Hours Law?" Also 56 per cent of the employers to whom the same question was put answered "Yes". Not a single section of the country showed a majority against the legislation. The South, where opposition is greatest, was recorded as 59 per cent in favor of the law.

[118] Under the rule laid down by the Supreme Court in the Meyers case (272 U. S. 52) 1926, if he is an administrative officer, he could apparently be removed by the President; although if he is judged to be a judicial officer, this power is distinctly limited, as will be seen from the ruling in the Humphreys case (295 U. S. 602) 1935.

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needed to help administer the act, except the attorneys, are to be appointed under the civil service rules, and for none of them is the approval of the Senate necessary. It is explicitly stated in the act that in all personnel matters "no political test or qualification shall be permitted or given consideration but all such appointments and promotions shall be given and made on the basis of merit and efficiency." This clause, which is similar to that in the act setting up the Tennessee Valley Authority, will undoubtedly strengthen the hand of any administrator who wishes to resist political pressure in choosing his staff. Since the Wages and Hours Division is within the Department of Labor, and its budget will probably be under the control of the Secretary of that Department, this may, therefore, give to the Secretary a considerable degree of control over the personnel, and over the policies adopted. The administrator may, however, claim autonomy on the ground that Section 4 provides that the Wages and Hours Division is to be under his "direction".[119]

One of the most important immediate tasks of the administrator is to define and classify the separate industries for which specific committees are to be set up. It would be desirable to use a much less minute system of classification than under the N. R. A. For, under that organization, over seven hundred separate codes were finally promulgated, and separate code authorities were set up for such relatively insignificant units as the mop stick, dog biscuit, hog-ring, and powder puff industries. To have separate basic rates for each of these industries with further differentials within many of them would be to make the problem of administration unduly complex. The fact that the present law, unlike the N. I. R. A., does not contain trade practice provisions, under cover of which price-fixing and the limitation of output might be indulged in, will, of course, remove a great deal of the pressure from businessmen for an excessive number of separate industry committees; and the administrator is given the power to combine groups of industries. By defining the term "industry" broadly it should be possible to keep the number of committees down to a very few.

[119] Section 4, A.

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On the basis of the first two committees appointed, namely, those for textiles and clothing, it appears that precisely this is being done. The textile committee, for example, is made up of twenty members, and is empowered to make recommendations for the cotton, woolen, silk and linen branches of the industry,[120] including most bleaching, dyeing and cordage. The committee is broadly representative of the various geographical and commodity interests involved and has been divided into subcommittees of three and five members, each of whom has been assigned to study a specific branch of the industry. The separate reports are then to be combined and presented in the form of a recommendation to the administrator.[121]

The committee for the clothing industry is even larger than that for textiles, consisting of no less than forty-eight members, and is to make recommendations for virtually all branches of the industry, including men's and women's apparel but excluding hosiery, knitted underwear and outer garments, hats and millinery, and boots and shoes.[122]

Administrator Andrews is proceeding cautiously and slowly in setting up committees, having, as stated, created only two during the first five months. In this respect, he is following the exact opposite of the policy adopted by General Johnson under the N. R. A. Mr. Andrews' caution is probably a compound of a number of elements: (1) the funds available are limited; (2) he is anxious that the problems of each industry be carefully studied before the basic rates are raised above 25 cents an hour; (3) he is desirous that the various parties reach as close a mutual agreement as possible so that the administrator will not have to impose a set of rules which are opposed by the majority of one side or the other; (4) finally, there may be the feeling that the rapid pushing of wages up toward the 40-cent limit might cripple business and cause a considerable

[120] See Administrative Order No. 1, issued Sept. 13, 1938. Rayon, knitted fabrics, carpets and rugs are, however, excluded.

[121] As this article goes to press, it seems probable that the combined recommendations for the textile industry will be made about the middle of February.

[122] See Administrative Order No. 7, issued Dec. 21, 1938.

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volume of unemployment. In view of the business recession of 1937-38, this was certainly a danger which should be avoided.

The administrator is to utilize primarily the existing bureaus and divisions of the Department of Labor in gathering information and in making inspections, and he may also utilize state and local agencies and compensate them for their services. The Children's Bureau is to carry out the investigations and inspections necessary in order to enforce the child labor provisions of the act, and is also empowered to enter into coöperative relationships with appropriate state and local agencies. The opportunity is thus opened for coöperative action between state and federal authorities in enforcing the legislation. It is apparently the intention of the federal agents to make use of the state agents wherever this is practicable. This is a very wise provision, since it removes the waste, confusion and irritation which would result from imposing a duplicate federal enforcing staff in the states alongside of the state agencies. Where the state enforcing machinery is either nonexistent or ineffective, then direct federal inspection and enforcement may be necessary. But wherever practicable, the state personnel should also serve as federal officials.[123] However, in order to tie the state agencies together and to give them adequate supervision the administrator has announced the establishment of twelve regional offices. Except in three instances these are located in Federal Reserve cities and they are to serve as the links between the administrator, whose office is in Washington, and the states.

Employers are compelled to keep records of persons employed and of their wages and hours of work. A suggested form for employers to follow in keeping their records has been issued by the administrator. It was emphasized, however, that the form is not compulsory and that the important thing is to keep records from which all of the essential information may be easily obtained. No employee is to be either discharged or discriminated against by his employers for filing

[123] This was the practice in the enforcement of the first child labor law.

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complaints, giving evidence, or suing under the act. When wage orders are issued, the administrator has the right to attach such terms and conditions to them as he may find necessary to carry out the purpose and prevent the circumvention or evasion of the rules. All such orders must be published in the *Federal Register,* while the administrator is also required to give "general notice to interested parties" by such other methods as are calculated to serve this end.

After an order has been issued, any aggrieved person has the right of appeal to a federal circuit court.[124] Such a judicial review is, however, limited to questions of law. And it is expressly provided that the findings of fact by the administrators are to serve as conclusive if "supported by substantial evidence." While the way is left open, therefore, for a judicial review of the facts if the court believes the decisions have been grossly contrary to the evidence, the clear intent is to leave such matters normally to the administrator, and to give to the arbitrament of the courts merely such legal and constitutional issues as may be concerned, for example, with the due process clause of the Fifth Amendment, and the power of Congress "to regulate commerce . . . among the several states." The courts may also order the administrator to take additional evidence where this might materially affect the result. The commencement of such court proceedings shall not serve in itself, however, as a stay of any wage order unless it is so ordered by the court.

As has been stated, the child labor sections prohibit the shipment in interstate commerce of goods within thirty days from the time any "oppressive" child labor has been employed in the establishment producing them. This merely repeats the enforcing clause of the 1916 federal Child Labor Law. It was feared at that time this was a legislative "joker" in that concerns could store their goods for thirty days, and then escape penalty even though they employed children. In prac-

[124] This procedure, of course, follows that established in the National Labor Relations Act. By initiating such actions in the circuit courts of appeal instead of in the lower federal district courts, the process of judicial review is greatly speeded up.

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tice, the difficulties of storage were found to outweigh any advantages of child labor, and the provision was effective. It is presumed it will continue to be.

The weapons of enforcement are threefold. First, injunction suits may be brought, under the direction of the attorney general, to restrain continuing violations. Willful violations are also to be punished by fines of not more than $10,000, or by imprisonment for not more than six months, or by both. The penalty of imprisonment is not, however, to be imposed for a first offense. Finally, the employees or their agents may sue their employers for unpaid minimum rates and overtime bonuses; and if they obtain judgment, are to be awarded double these sums as liquidated damages. In addition, the defendants, if found guilty, are to pay all costs of such actions, including "reasonable" attorneys' fees for the plaintiffs' lawyers. Since the employees may designate an agent to engage in such actions for them, it is probable in many instances the trade unions will become supplementary enforcing agents; and where their evidence is adequate, can do so without cost to themselves. From statements in *Advance,* the organ of the Amalgamated Clothing Workers, it is apparent that this union and the Textile Workers Organizing Committee are already laying plans to perform such functions.[125] In addition, we may expect some attorneys to undertake such cases on a contingent basis without cost to the workers. This device, therefore, promises to add to the effectiveness of the enforcement features of the act.

A final word should perhaps be added as to the relation of the standards fixed under this act to those set under state minimum wage laws and taken as the standard under the Walsh-Healey Act for government contracts. This principle can be very briefly stated. Wherever these are higher than the minimum wages and maximum hours fixed under the act, they are to prevail. It will, of course, be realized that of the twenty-seven states and territories with minimum wage laws,[126]

[125] *Advance,* July 1938.

[126] For a statement of the nature of these laws see *Progress of State Minimum Wage Legislation,* 1937. Serial No. R. 692, U. S. Department of Labor, Bureau of Labor Statistics.

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only one (Oklahoma) provides for the regulation of men's wages, while the remainder confine themselves to women. While minimum wages in manufacturing are set in a number of states, such as California, Oregon and Washington, there is an increasing tendency for many states to confine their application to intrastate industries such as retail trade, laundries, hotels, restaurants, etc. If the federal law works out with any fair degree of success, we are likely to find an extension of these state minimum wage laws to other commonwealths, and within the states a further broadening to take in more intrastate business and to include men in an increasing measure as well as women.

As the various state legislatures meet for the opening of their 1939 sessions, it is apparent that the forces of organized labor are going to push for the passage of such state laws as will extend the principles of the act (at least so far as wages and hours are concerned) to intrastate industry. Interestingly enough, in some states the employers who come under the federal act are anxious to have such state laws in order to protect themselves against the competition of producers of the same articles for intrastate distribution and use.[127]

[127] The administrator has ruled in *Interpretative Bulletin* No. 5 that the issue of the intent of the employer will govern as to whether or not a given commodity is adjudged to be for inter- or intrastate commerce.

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LABOR'S POLITICAL CONTRIBUTIONS[1]

ALTHOUGH the emergence of organized labor as a factor in the financing of the last presidential campaign was given wide publicity, the full import of that development and the possible consequences for both the parties and the trade unions have hardly been fully appreciated. We are at the beginning of a new chapter in the history of the labor movement as well as of campaign finance, when an organization of miners is the largest contributor to a major political party.

TABLE I[2]

RECEIPTS OF THE AMERICAN FEDERATION OF LABOR FOR POLITICAL PURPOSES
1906–1925

Period	*Amount*	*Collecting Agency*
1906	$ 8,057	Executive Committee
1910	3,488	Labor Representation Committee
1912	none	
Feb. 1920–Feb. 1921	53,934	National Non-Partisan Political Campaign Committee
1922	4,928	" " " " "
Apr.–Aug. 1924	4,175	" " " " "
Sept. 1924–Aug. 1925	20,838	" " " " "
Total	$95,420	

In the past labor's contributions to national campaigns have been small and sporadic, largely because the more powerful organizations have been unable to decide upon any coherent, consistent program of political action. In carrying out its "non-partisanship" principle of "rewarding its friends and

[1] The writer is indebted to Emily Clark Brown, Associate Professor of Economics, Vassar College, for much valuable assistance in the preparation of this article.

[2] These figures were compiled from the A. F. of L. *Reports of the Proceedings of the Annual Conventions*, 1906-1925; A. F. of L. Labor Representation Committee, *Financial Report of the Political Campaign of 1906;* and A. F. of L., *Financial Reports of the National Non-Partisan Political Campaign Committee Fund*, April 1924 to August 1924, and September 1924 to August 1925.

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punishing its enemies" the American Federation of Labor has raised and expended for political purposes only a little over $95,000 since 1906. The figures, summarized in Table I, show that the largest collections were made in 1920-21 and 1924-25. Since 1925 no political funds have been raised. Almost all of this money was contributed by affiliated unions and was expended for postage, leaflets, and the expenses of speakers. In no instance were the general funds of the A. F. of L. used for political purposes, nor is there any record of contributions to the campaign fund of a party or a candidate.

Various trade unions, however, have made such contributions. The Socialist party has received occasional small donations from these groups, and in 1920 they contributed several thousands to the Farmer-Labor party.[3] In 1924 the presidential candidacy of Robert M. LaFollette was enthusiastically endorsed by a number of labor organizations, many of which

TABLE II[4]

CONTRIBUTIONS OF LABOR ORGANIZATIONS TO THE LAFOLLETTE NATIONAL PROGRESSIVE COMMITTEE, 1924

Organization	*Amount*
International Seamen's Union of America	$3,332
Brotherhood of Railway Carmen of America	1,606
Brotherhood of Locomotive Firemen and Enginemen	400
Brotherhood of Railway Trainmen	200
Maintenance of Way Employees	755
Order of Railroad Telegraphers	200
International Brotherhood of Electrical Workers	300
International Association of Machinists	200
United Mine Workers of America (locals)	245
Other organizations	200
Total	$7,438

[3] This information is from the reports filed in the office of the Clerk of the House of Representatives in compliance with the Federal Corrupt Practices Act. Among the contributors to the Socialist party in 1918 and 1920 were the International Ladies' Garment Workers of New York City, the Brewers' Union of Newark, New Jersey, and the Joint Board of Amalgamated Clothing Workers, Boston. The contributions to the Farmer-Labor party in 1920 included various locals of the United Mine Workers of America.

[4] These figures are from the reports filed in the office of the Clerk of the House of Representatives by W. T. Rawleigh, treasurer of the National Progressive Committee, in 1924.

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contributed to the National Progressive Committee. These contributions, summarized in Table II, show that the Railroad Brotherhoods and the Seamen's Union were the most generous donors. Additional funds were spent directly by the Brotherhoods in LaFollette's behalf. In 1928, although the Democratic National Committee received $4,000 from the International Brotherhood of Teamsters,[5] and a few scattering contributions were made to the Socialist party, the unions for the most part remained aloof from active participation in the financing of the campaign.

TABLE III

CONTRIBUTIONS OF ORGANIZED LABOR TO THE 1936 CAMPAIGN [6]

Name of Organization		*Contributions*
Democratic National Committee		
Cash contributions and Nominators Division	$192,190	
Advertising in the *Book of the Democratic Convention of 1936*	7,500	
Purchases of the *Book*	4,910	
Reimbursement for expenses of sound truck	361	
Loans	50,000	$254,961
Labor's Non-Partisan League		
National organizations	195,393	
State divisions	32,000	227,393
Progressive National Committee		40,300
American Labor Party		180,558
Miscellaneous contributions		67,006
Total		$770,218

These contributions do not, of course, tell the whole story, for in many cases local unions have contributed to local campaigns. They do, however, show how uncertain labor's course has been, how divided the unions have been in their support, how unwilling they have been to aid the candidates of either

[5] Figures from the reports on file in the office of the Clerk of the House.

[6] Figures compiled from the reports filed in the office of the Clerk of the House. They differ but slightly from those in the report of the Lonergan Committee (United States, Congress, Special Committee to Investigate Campaign Expenditures of Presidential, Vice-Presidential, and Senatorial Candidates in 1936, *Investigation of Campaign Expenditures in 1936*, Report, March 4, 1937, 75th Cong., 1st sess., Senate Report 151, pp. 127-28). Hereafter this will be cited as Lonergan *Report*.

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of the major parties, and how unimportant their gifts have been in the financing of national campaigns.

In 1936, although the A. F. of L. clung to its traditional policy, various groups contributed to the campaign with unprecedented enthusiasm and generosity. The three quarters of a million dollars which they poured into the campaign (see Table III) was distributed among a number of organizations, but it is significant that all of the funds aided the candidate of the Democratic party and that a substantial part of them went to the national committee of that party.

TABLE IV

SOURCES OF LARGER TRADE UNION CONTRIBUTIONS TO THE 1936 CAMPAIGN [7]

United Mine Workers of America	$469,870 [a]
Amalgamated Clothing Workers of America	81,682 [b]
International Ladies' Garment Workers' Union	60,736
Cap and Millinery International Union	11,940
International Alliance of Theatrical Stage Employees and Motion Picture Operators	16,100
International Brotherhood of Teamsters, Chauffeurs, Stablemen, and Helpers	7,700
Brewery Workers (locals)	5,834
All other	116,356
Total	$770,218

[a] Includes loans of $50,000 to the Democratic National Committee.

[b] Includes loans of $35,000 from the Amalgamated bank to the American Labor Party of New York.

An analysis of the sources of these contributions (Table IV) shows that the greater part of this money came from C. I. O. organizations. The United Mine Workers alone contributed over $469,000, while the Amalgamated Clothing Workers of America, the International Ladies' Garment Workers' Union, and the Cap and Millinery International Union, all of which were identified with the movement, were responsible for another $150,000. There was, however, a sprinkling of contributions from a great variety of groups with no C. I. O. connections, including many which are affiliated with the A. F. of L. Brewery workers were conspicuous among them.

[7] Figures compiled from Lonergan *Report*, pp. 128-133, which lists trade union contributions in detail.

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Whatever the outcome of the struggle for power now going on in the ranks of labor, it is probable that the unions will be even more active politically in the future than in the past, and that their growing financial resources will be an increasingly important factor in campaigns. Whether that support will go to the Democratic party, to the American Labor party, or to a party yet unborn, one would be rash to prophesy at this stage. It is not impossible, however, that the alliance between labor and the Democratic party, which was largely a marriage of convenience in 1936, will become a union of necessity for both partners in 1940.

In spite of occasional rebuffs from those in high places the alliance has been an exceedingly profitable one from the point of view of the C. I. O. wing of labor. The importance of safeguarding the gains already made will weight the scales heavily in favor of continued support of the Democratic party and against the hazards and uncertainties of a "third" party; providing, of course, that the platform and the candidate in 1940 are reasonably acceptable.

The importance of labor's financial support to the Democratic party should not be overlooked. Contributions of $250,000 speak a language which national chairmen understand. In 1936 the Democratic National Committee lost much of the "big business" support which it had had in 1928, and even in 1932. Mr. Farley's statements that the "New Deal" had dried up many of the usual sources of the party's contributions cannot be dismissed as campaign "boloney" when one looks at the record. Bankers and brokers, whose donations made up twenty-four per cent of all that the Democrats received in contributions of $1,000 or more in 1932, contributed less than four per cent of this part of the fund in 1936. Except for liquor manufacturers, "big business" reduced its support all along the line. These losses were partly offset by conspicuously generous contributions from officeholders and the South, irrespective of economic interest; but without the support of organized labor and the small contributor generally the Democratic National Committee would have been seriously cramped

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financially. Five per cent of all funds received by the committee came from labor organizations.[8]

Since 1936 the President's Supreme Court bill, the administration's refusal to take a firmer hand in the controversies between management and labor, and the reorganization proposals have alienated many whose financial support could be counted on at that time. Unless the party should repudiate the New Deal program, therefore, it is likely to draw even less from traditional sources in 1940. Thus the financial assistance of organized labor may well become vitally important to the Democrats in the next campaign.

It has frequently been pointed out that in politics "He who pays the piper calls the tune." The dependence of both Republicans and Democrats upon much the same economic groups for the bulk of their campaign funds has been one of the factors (although not the only one) which has prevented either of them from becoming outspokenly "liberal". The emergence of labor as an important factor in the financing of the Democratic party would facilitate realignment on "liberal" and "conservative" lines and eventually might make possible the birth of a new "Labor" party under an old name.

One result of the use of trade union funds in political campaigns is likely to be a demand for their legal regulation. At this point British experience may be illuminating. As early as 1868 general trade union funds were used to aid the election campaigns of friendly candidates and from 1874 onward the trade unions paid salaries to their members in Parliament. Neither practice was seriously questioned until the Labor party, supported by trade union funds, began to challenge the supremacy of the traditional parties.[9] In 1910 the use of trade

[8] For detailed analysis of the campaign funds of 1932 and 1936 see this writer's articles, "Campaign Funds in a Depression Year", in *American Political Science Review*, vol. XXVII (October 1933), pp. 776-78, and "Campaign Funds in the Presidential Election of 1936", in *ibid.*, vol. XXXI (June 1937), pp. 484-90.

[9] A good brief summary of the political activity of the trade unions and their regulation will be found in G. D. H. Cole, "Trade Unions: United Kingdom and Irish Free State", in *Encyclopaedia of the Social Sciences*, vol. XV, pp. 7-12. For a fuller treatment see Sidney and Beatrice Webb, *History of Trade Unionism*.

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union funds for such purposes was ended, temporarily at least, by the courts. In ruling that Osborne, a member of the Amalgamated Society of Railway Servants, was entitled to restrain that union from assessing its members and using its funds for the purpose of supporting the Labor party or maintaining members in Parliament, both the Appeal Court and the House of Lords rested their decision upon the ground that a registered trade union was a statutory body, deriving its status from Parliament, and that the use of its funds for political purposes was *ultra vires*. However, in their individual opinions, several of the justices held that the payment of salaries by the trade unions to members of Parliament was contrary to sound public policy because it destroyed the freedom of the representative, and one justice in the Appeal Court placed a great deal of emphasis upon the unfairness of the practice to minorities who might be forced to give financial aid to a party with which they were not in accord.[10]

The Osborne judgment was widely criticized as poor law and poor policy and in 1913, with the Liberals in power, Parliament legalized political activity by trade unions. At the same time it was felt that the relation of the union to its members and the public was such that the freedom of action of the individual must be safeguarded. In fulfilment of this principle the act provided that before money could be used for political purposes a ballot of the members must be taken in prescribed form, under the supervision of the Registrar of Friendly Societies, and the action sanctioned by a majority of those voting; that payments for political purposes must be made only from special funds established for that purpose; that any trade union member who did not wish to subscribe might "contract out" by signing a declaration to that effect; and that there was to be no discrimination against members who did so. The old liberal doctrine that the political community is made up of individuals whose independence of action must be safeguarded was thus rigidly adhered to.[11] These provisions were modified

[10] *Osborne v. Amalgamated Society of Railway Servants* (1910), A. C. 87 (House of Lords judgment given December 21, 1909).

[11] W. M. Geldart, "The Present Law of Trade Disputes and Trade Unions", in *Political Quarterly*, No. 2 (May 1914).

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in one very important respect by the Trade Disputes and Trade Unions Act of 1927. That famous act, which was the Conservative party's answer to the general strike of 1926, substituted a system of "contracting in" for "contracting out" in the payment of the political levy. Under the present regulation a trade union member pays the political levy only if he has taken the trouble to sign a statement specifically stating his willingness to do so.[12]

It is clear from British experience that one result of trade union participation in the financing of political campaigns is likely to be agitation for the legal prohibition or regulation of such gifts. Indeed, signs of such a movement are already present in the United States. One of the few definite recommendations made by the Lonergan Committee after its study of the financing of the 1936 campaign was that the Corrupt Practices Act be amended to prohibit contributions from "all organizations, associations or enterprises, incorporated or unincorporated, whose aims or purposes are the furtherance of group, class, or special interests."[13] Although the recommendation is couched in general terms it was admittedly directed at the labor unions and has been discussed only with reference to them. The proposal was not pushed in Congress but received some favorable newspaper comment[14] and a bill containing similar provisions has been introduced in New York.[15] Moreover, the compulsory incorporation of trade unions, frequently proposed since the passage of the National Labor Relations Act, would have essentially the same effect since political contributions by corporations are barred by the Federal Corrupt Practices Act and legislation in most of the states.[16]

[12] H. A. Millis, "British Trade Disputes and Trade Unions Act", in *Journal of Political Economy*, vol. XXXVI (June 1928), pp. 305-29.

[13] Lonergan *Report*, p. 135.

[14] See New York *Herald-Tribune*, March 6, 1937; Washington *Evening Star*, March 5, 1937.

[15] *The New York Times*, January 12, 1938.

[16] *American Federationist*, vol. 44 (June 1937), p. 591. See also *The New York Times*, January 6, 1938, for Senator Copeland's proposed amendments to the National Labor Relations Act.

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In discussing the merits of such proposals it should be borne in mind that in the United States provision has been made for publicity of national party funds. Under the Corrupt Practices Act of 1925, political committees functioning in national campaigns must file lists of the names and addresses of all contributors of $100 or more.[17] Such reports were filed at stated intervals during the 1936 campaign and before the election it was widely known not only that labor had a large financial stake in the campaign, but also that most of the funds came from organizations with C. I. O. affiliations. English legislation requires no such publicity of central party funds. Although the Labor party publishes a list of receipts and expenditures in its official reports, this action is purely voluntary and the information is not available before the balloting takes place.

In recommending that contributions from labor organizations be prohibited, the Lonergan Committee argued that they should be barred for the same reasons that contributions from corporations are prohibited. Trade unions, like corporations, are "special interest" groups whose gifts are made in the hope of securing legislation favorable to the group. Like corporations, also, they are composed of individuals who may be of different minds, politically speaking, and the Committee urged that it was unfair to dissenting minorities within the group to use organization funds to aid a party which might not have the support of those minorities.[18]

One need not be completely cynical to suggest that corporations and labor organizations are not the only "special interests" which exist today and that it is bordering on the naïve to suppose that such pressure groups can be eliminated by legislative fiat. Various members of the Pew and duPont families, who contributed more than $1,000,000 to Republican agencies during the last campaign, were as clearly a "special interest" as the trade unions which gave $770,000 to aid Franklin D. Roosevelt's reëlection. Moreover, it should be remembered that the law prohibiting contributions from cor-

[17] *United States Statutes at Large*, vol. 43, p. 1070 (secs. 303-5).

[18] Lonergan *Report*, p. 135.

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porations was passed before our present publicity law and has lost some of its point since that amendment.

It is true that a labor organization, like a corporation, is a collective body which may be composed of individuals of different political faiths. But there are fundamental differences. The usual industrial corporation is created for but one purpose—to make money—and its organization is not adapted to the determination of varied questions of policy by democratic methods. The objectives of a trade union are numerous and varied and questions of policy continually press for decision. The machinery for fair consideration and determination of such matters must be provided and can be used to determine the wishes of the majority when any question concerning political contributions is at issue.

However, a much stronger argument against prohibiting contributions from labor organizations is the probable ineffectiveness of such legislation. The present law affecting corporations has neither cut off gifts from such "special interests" nor ended their attempts to influence legislation. Such gifts no longer are made directly from corporate funds or in the name of a corporation; instead they come from those who control the corporation, thereby tapping more indirectly the same source. It would be more difficult for a party, through Mr. John L. Lewis, to collect $1.00 from each of 500,000 members of the United Mine Workers than for a party to obtain $500,000 from a dozen members of the duPont family, shall we say, but it would not be an impossible task. If organized labor is convinced that its future depends upon political action, the ways and means will not be lacking to implement that decision.

The chief effect of such legislation, and one which would be most unfortunate, would be to obscure the facts concerning labor's rôle in the financing of campaigns. For although the large gifts of those who control the corporations would be recorded and would stand out clearly, the small contributions of individual trade union members would not be recorded separately under the present law and it might be impossible to ascertain the collective stake of the trade unions in any cam-

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paign. Even if the law were amended to require the filing of the names of contributors of less than $100 it would still be difficult to trace which John Joneses were union members.

From the point of view of public policy it would be most unfortunate to place upon the statute books a prohibition which would tend to obscure important sources of campaign funds. In a democracy it is essential that the voters be able to ascertain who pay their bills, politically speaking, and we might better direct our attention to fuller and more effective publicity of both contributions and expenditures.

If the right of trade unions to contribute to party campaign funds is conceded, there nevertheless remains the problem of the conditions under which such appropriations may be made. The interests of the public, as well as of majority and minority groups within the union, must be adequately safeguarded. Appropriations of this character should be made only with the knowledge and approval of a majority of the members. British experience indicates, too, that although there may be differences of opinion concerning the exact degree to which the interests of the minorities must be protected, the public will at least insist that the dues of such groups should not be used to further political objectives which do not meet with their approval. These two standards represent what may be called the " irreducible minimum " of a code of fair practices.

In England these standards, and others which have proved more than a little bothersome to majority groups within the unions and to the Labor party, have been imposed by Parliament. It is inevitable that demands for a similar solution of the problem will be pushed in the United States. Already Wisconsin has enacted a law requiring the registration of trade unions and the filing of financial reports. In 1937 Senator Vandenberg proposed an amendment to the National Labor Relations Act which would have prohibited the " compulsory " assessment of union members for political purposes.

If American trade unionists are to counter such an attack successfully it behooves them voluntarily to impose upon themselves the minimum safeguards of a code of fair practices, suggested above. There is no evidence that in 1936 funds

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were used by officers of labor organizations contrary to the wishes of a majority of the members of their respective associations. The United Mine Workers and the Amalgamated Clothing Workers, the two most generous contributors, enthusiastically endorsed President Roosevelt in their conventions and authorized their respective executive boards to make such contributions as they deemed wise.[19] The vote of the Amalgamated Clothing Workers limited its support to Labor's Non-Partisan League and the spirit of this restriction was carried out. No funds were given to the Democratic National Committee, although contributions were made to the American Labor party as well as to Labor's Non-Partisan League.[20] Whether similarly democratic procedure was followed in all other organizations, including the many locals which contributed, is a question it would be impossible to answer without much more extensive investigation.

The members of the unions which supported Roosevelt financially in 1936 were practically unanimous in their endorsement. But such unanimity has not always been present in the past, nor is it likely to prevail in the future. Sooner or later, when differences arise within the unions, the effectiveness of existing safeguards will be put to a real test. Certainly the present constitutions offer little or no protection. Appropriations for political purposes have been so unimportant in the past that it is not surprising that existing constitutions contain no specific provisions governing appropriations for political purposes. Turning to the general provisions relating to authority in financial matters, one finds that in most cases the delegate convention is the supreme authority with power to appropriate general funds for any or all purposes. In the past it has been the practice to use general funds for political purposes. The use of the referendum to determine questions of policy has been more narrowly restricted in the United States

[19] United Mine Workers of America, *Proceedings of the 34th Convention*, January 28–February 7, 1936, vol. I, pp. 208 and 212; Amalgamated Clothing Workers of America, *Proceedings of the 11th Biennial Convention*, May 25-30, 1936, p. 387.

[20] See Lonergan *Report*, pp. 128-130.

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than in Great Britain and has seldom included matters of finance. In the main its use has been limited to constitutional amendments, although occasionally votes are required before dues may be increased or special assessments levied. Between conventions the officers and executive boards wield extensive powers over expenditures. Since many of these organizations hold conventions biennially, or even less frequently, the actual powers of the executive boards are sometimes tremendous.

An examination of the constitutions of ten typical organizations revealed that in at least half of them there were no statements which would prevent the use of funds for political purposes by the officers on their own initiative. In other cases, although there were enumerations of the purposes for which funds might be used, some of these were couched in such general terms that they might be interpreted to include political contributions.[21] In the United Mine Workers the executive board has full power to direct the workings of the organization between conventions, including the power to levy assessments.

Under the present inadequate constitutional provisions a scandal might easily occur in connection with the appropriation of funds for political purposes. If American trade unions wish to avoid such a contingency it behooves them to adopt safeguards which assure democratic control of such appropriations. A reasonable amount of self-discipline today may insure them against a bitter dose of legal regulation in the future.

[21] The following constitutions were used: Amalgamated Association of Iron, Steel and Tin Workers; Boot and Shoe Workers' Union; Cigarmakers' International Union; Federation of Flat Glass Workers; International Brotherhood of Bookbinders; International Brotherhood of Electrical Workers; International Printing Pressmen and Assistants' Union; International Typographical Union; United Mine Workers; United Textile Workers of America. The three unions in the printing industry have clauses restricting the purposes for which funds may be used; the Cigarmakers allow the president to pay for strike benefits and "all other legitimate expenses", label agitation and organization work; the Brotherhood of Electrical Workers gives their president powers over expenditures which are hardly broad enough to include political contributions. In the other cases the constitutions place no limitations upon expenditures by officers between conventions.

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THE *FRONT POPULAIRE* AND THE FRENCH ELECTIONS OF 1936

THE object of this study is to discover, as nearly as possible, the effects of the electoral alliance of the parties of the Left in France, known as the *Front Populaire,* upon the results of the elections of 1936. A careful comparison has been made with the results of the elections of 1928 and 1932; the French system of elections lends itself admirably to such a comparative study. Each constituency chooses one member and the elections are only completed after two ballotings. The voting takes place on Sunday and, on the first ballot, only those candidates are elected who have a clear majority over the combined vote for all other candidates for the same seat. In the constituencies where no one is elected on the first ballot, a second vote is held a week later. It is usual for many candidates to withdraw before the second balloting, and, on withdrawal, they frequently recommend to their supporters that they vote for one of the other candidates.

There are, in France, a bewildering number of groups and parties, many of them with confusing and even misleading names. Behind the confusing façade, however, there are two clearly distinguishable tendencies in French politics, which are traditionally called the Right and the Left. The Right was originally composed of the parties opposed to the Republic itself, but there has been a steady growth, especially in recent years, of the conservative Republican groups, and the term *moderate* is perhaps a more satisfactory one to apply to the majority of the opponents of the Left, since the term Right continues to have something of a Royalist connotation.[1]

There are a few constituencies in France where the parties of the Left have so few supporters that the elections become simply a struggle between the Right and the moderates.

[1] Many of the moderate groups have names which would suggest to the uninitiated that they belonged to the Left. Examples are the *Republicains de gauche,* the *Gauche radicale* and the *Democrats Populaires.*

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There are also a number in which there are very few supporters of the moderate groups and the contest is between two or more candidates of the Left. In spite of these exceptions, the vital distinction in French election campaigns, if not always in Parliament, since the War, has been between the moderates on the one hand and the Left on the other.

The Left is composed of three principal groups, and a number of smaller groups. The principal groups are the Radical Socialists (really the Liberal party of France), the Socialists proper (S.F.I.O.) and the Communist party. The most important of the smaller groups is the Republican Socialist Union which has a political complexion midway between the Radicals and the Socialists. There is also a group of dissident Communists, known as the Proletarian Union. In 1924 the groups of the Left (excluding the Communists) established an alliance, called the *Cartel des Gauches,* for the purpose of contesting the elections. Each group had its own candidate in the first balloting, but it was understood that only the candidate who received the highest vote on the first ballot would remain in the contest for the second balloting, and that the others would recommend him to their supporters. In this way a Radical would be elected with the help of Socialist votes in one constituency, and a Socialist with Radical votes in another. The *Cartel* was very successful in 1924, but it was not nearly so generally adhered to in 1928, with the result that many more moderates were elected. It was revived again in 1932 and resulted in improved fortunes for the Left.

The *Cartel des Gauches* did not, of course, include the Communists. They remained isolated, and frequently they fought the Radicals and the Socialists as bitterly as they did the moderates. In 1935 the Third International recommended to all Communist parties that they come to terms with the democratic parties in a common front against fascism. The French Communists at once adopted the new party line and proposed an alliance with the other groups of the Left. This was the origin of the *Front Populaire* which embraced all the parties of the Left. Unlike the *Cartel des Gauches* it was not merely an

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alliance for electoral purposes, but was intended to become the foundation of a government of the Left.

This study is, however, confined to an examination of its effects on the election. The method to be employed was the method of the *Cartel:* freedom for all groups to nominate their candidates for the first ballot and withdrawals in favor of the leading candidate of the Left before the second balloting. The association of the Communists with the rest of the Left was, therefore, the new element in the 1936 elections.

In making a comparison of the results of the 1936 elections with those of 1928 and 1932, the returns have been examined for every constituency either won from the moderates or lost to them in 1936, as compared with the result in 1932. The result in these constituencies in 1928 has also been taken into account before an attempt has been made to assess the influence of the Communist alliance on the elections. The results have also been examined in all constituencies won by the Communists in 1936 in estimating their debt to their electoral allies.

This task is less difficult than it might seem at first sight because of the remarkable consistency of the results in the great majority of French constituencies. The proportion of constituencies gained or lost by the Left in any election is not very great. Comparatively few have changed in the last three elections. Indeed this electoral stability is of very long standing in most parts of France. Naturally there has been a marked shift to the Left (especially to the Communists) since the War, in Paris and its suburbs, and in the large industrial towns. In many cases, however, the shift has been not from the moderates but from Radicals or Socialists to Communists. On the other hand the Radicals have been losing steadily, especially in largely rural areas, to the moderate groups of the Centre. The shift has often been the result of a transfer of allegiance by the deputy himself from the Radicals to one of the groups of the Centre.

The following statistics illustrate the comparative stability of the electoral scene: [2]

[2] The statistics include only the 598 constituencies in France proper; Algeria and the colonies have been omitted, but their inclusion would not alter the

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171 constituencies have elected moderate or conservative deputies in all three elections.

238 constituencies have elected deputies of the Left (including Communists) in all three.

9 constituencies were gained by the moderates in 1932 and retained in 1936.

69 constituencies were gained by the Left in 1932 and retained in 1936.

It is with the other 111 constituencies that this study is primarily concerned, since they shifted in 1936 from Right to Left or Left to Right and are therefore most likely to contain the seats where the result was vitally affected by the new electoral alliance.

These have been divided into four groups for examination:

27 constituencies, won by the Left in 1928 and 1932, were won by moderates in 1936.

22 constituencies, won by the moderates in 1928 and the Left in 1932, were won by moderates in 1936.

46 constituencies, won by the moderates in 1928 and 1932, were won by the Left in 1936.

16 constituencies, won by the Left in 1928 and the moderates in 1932, were won by the Left in 1936.

It does not necessarily follow, because the net gain for the parties of the Left was only thirteen seats, that they represent the whole electoral advantage of the *Front Populaire*. It is conceivable that, without the alliance, there might have been no gain, but a loss, especially when it is recalled that the elections of 1932 were generally favorable to the Left. On the other hand, it should not be forgotten that the alliance of the Left provoked in many constituencies a similar alliance of the groups of the Right which tended to reduce the advantages of solidarity.

conclusions in any important respect. In order to simplify the calculations, the three new constituencies created for 1932 are treated as though they had existed in 1928 and the complexion of the constituency of which they formed a part is attributed to them; the same method is followed in the cases of the new constituencies created for 1936.

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It is worth while giving some attention to the constituencies lost by the Left as well as to their gains, since, in some cases, the loss may have resulted from the apprehensions or objections of the electors, particularly Radicals, to the alliance with the Communists. Since the Radicals were more likely than the Socialists to be affected by these considerations, it seemed advisable to examine their losses separately.[3]

Two of the Radical losses illustrate one of the electoral tendencies already alluded to. The retiring deputies in Civray (Vienne) and St. Etienne III (Loire) presented themselves as moderates and were reëlected. Their transfer of allegiance may have been hastened by a dislike of their allies, but the loss cannot be attributed definitely to the existence of the *Front Populaire*.

Of the constituencies which the Radicals gained from the moderates in 1932 and which were lost again in 1936, the greater number were very closely contested in both years and won by small majorities. In other words, they represent constituencies where the forces of the Right and the Left are almost balanced, and the loss can be attributed to the ordinary fortunes of elections. There were twelve of these constituencies: Poitiers (Vienne), Tarbes (Hautes-Pyrénées), Orthez (Basses-Pyrénées), Vienne II (Isère), Annecy (Haute-Savoie), the two constituencies of Montbrison (Loire), Roanne II (Loire), Bourg I (Ain), Poligny (Jura), Neufchâteau (Vosges) and the first division of Paris XIV.

Only two of them deserve any special notice. In Orthez the parties of the Left had a majority in the first vote, and it is probable that many Radical votes were given to the moderate candidate a week later. In Vienne II (Isère) the Socialist candidate secured the first place on April 26 and, therefore, represented the *Front Populaire* on May 3.[4] It is possible that

[3] The distinctions may sometimes appear arbitrary, as no attempt is made to establish separate categories for the minor groups and independents of the Left. They are included with the Radicals or the Socialists (S.F.I.O.), depending upon the group to which they seem to be more closely related. The Republican Socialists are treated as Socialists.

[4] The first balloting took place on April 26, 1936; the second vote on May 3.

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some of the Radical electors in a largely rural constituency were not willing to vote for a Socialist.

The Radicals lost two other seats which they had gained in 1932. One of them, Nancy II, they had won with a minority vote in 1932 against two moderate candidates, and they could not expect to retain it. In the other, Quimper I (Finistère), the situation was more complicated. The Communist candidate polled more votes on April 26 than the Radical, but the latter did not withdraw on May 3. Although there were also two conservative candidates, one of them was successful and their combined vote was considerably larger than that secured by the Radical and the Communist.

The situation in the constituencies which had been won by the Left both in 1928 and 1932 and were lost by the Radicals in 1936 was generally more complex. In seven of these constituencies, Baugé (Maine-et-Loire), Ruffec (Charente), Bayonne I, Thonon-les-Bains (Haute-Savoie), Lyon VII, Besançon (Doubs) and Reims I, the vote had been very close in 1928 and 1932 and it was still close in 1936. These constituencies may therefore be regarded simply as very debatable. In one (Reims I) the Radical was replaced by a Socialist as the representative of the *Front Populaire*. Three other constituencies were evidently lost because the agreement was broken and two candidates of the Left remained in the field. In Dôle (Jura) and Lyon V the Socialist candidate failed to retire, and in Trévoux (Ain) the Radical should have retired in favor of the Socialist. In all three the moderate deputy was elected by a minority vote.

In two constituencies the Radical vote itself seems to have been divided: in Lons-le-Saulnier (Jura) the successful candidate described himself as an independent Radical Socialist, while in Quimperlé (Finistère), where the election was won by an Agrarian, there was also an independent Radical candidate who may have divided the votes of the Left. In Dijon II the Radical was replaced by a Socialist as the representative of the *Front Populaire* and he was also defeated by an Agrarian. This also happened in Pontivy II (Morbihan) where the

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candidates of the Left actually had a majority in the first vote.[5] In Guingamp I (Côtes-du-Nord) the candidates of the Left also had a majority on April 26, but, although the Radical represented the *Front Populaire* on May 3, he was defeated.

In two constituencies, Pontivy I (Morbihan) and Saint-Affrique (Aveyron), there was no Radical Socialist candidate at all. It seems likely that both of them were lost to the Left because of apprehension of the extreme tendencies of the *Front Populaire*.

Finally, in the two constituencies of St. Etienne (Loire) the Radicals were replaced by Communists as the principal representatives of the Left. Evidently a strong anti-Communist front was established as both seats were won by moderates.

Apart from this last case the Radical losses seem to be generally attributable to one of two causes. The greater number were constituencies where the forces of the Left and the moderates were almost equal, but a considerable number of rural constituencies were probably lost because the association of the Radicals with the Socialists and Communists had compromised them in the eyes of their supporters.

An examination of the constituencies gained by the Socialists in 1932 and lost in 1936 reveals the fact that, of the seven constituencies lost, one, Mauriac (Cantal), was won by a minority vote in 1932 and the loss was therefore to be expected, and five of the remainder were closely contested both in 1928 and 1932. In Nice IV, Lille IX and Montdidier (Somme) the moderate majority was extremely small in 1936 and the loss can be attributed to the ordinary fortunes of electoral warfare. In Toulon I and Amiens III the Socialist was replaced by a Communist as the candidate of the *Front Populaire* and it seems probable that some Socialist votes may have gone to the opposition, especially in Toulon, where the candidates of the Left had a majority in the first vote. The remaining constituency, Bourges I, was won by a moderate with a minority vote in 1928, and the Socialist majority was decisive in 1932.

[5] It is perhaps not without significance that, in many rural constituencies, especially in Brittany, the Radical Socialists lost seats to Agrarians. The Agrarians seem to have secured votes that would not have been given to candidates belonging to the older groups of the Right.

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In 1936 the Socialist gave way to the Communist who evidently faced a strong anti-Communist front and was defeated.

Of the six constituencies which had been won both in 1928 and 1932 and were lost by the Socialists in 1936, three, Châteaulin II (Finistère), Laval (Mayenne) and Gray (Haute-Saône), were closely contested in all three elections. One of the others, Cherbourg, was apparently lost because two Socialist candidates remained in the contest for the second balloting, and allowed a moderate to be elected by a minority vote. In Montbéliard (Doubs) the Socialist was defeated by a moderate Radical. This constituency has long been contested by Radicals and Socialists, and it is probable that most of the former Radical electors were opposed to the *Front Populaire*. The first division of Strasbourg-ville was lost to an Autonomist who evidently received most of the votes of the Left against a conservative opponent. The candidates of the Left all withdrew from the second balloting.

It is much easier to make a precise estimate of the effect of the electoral alliance upon the gains than upon the losses of the Radicals and the Socialists. Since it may be fairly assumed that the traditional alliance of Radicals and Socialists would have been maintained in any case, it remained only to inquire whether the support of the Communists was decisive in each case.

The Radicals gained five seats in 1936 which the moderates had won in 1932 and the Left in 1928. In two of these, Clameçy (Nièvre) and Barbézieux (Charente), the Communist vote was insignificant, although the support of the Socialists was essential to the Radical success. In the other three, St. Omer I (Pas-de-Calais), Sedan (Ardennes) and Lure II (Haute-Saône), the Communist vote was evidently decisive, even though, in the third case, it was very small indeed.

The Radicals gained twelve seats which had been won by moderates in both of the earlier elections. In seven cases the Communist votes were not required to elect the candidate of the *Front Populaire*. The successful candidates in Oloron (Basses-Pyrénées) and Murat-St. Flour (Cantal) were not Radical Socialists, but Independents of a complexion midway between Radicals and Socialists. In La Châtre (Indre) the

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Radical was elected by a minority of the voters, against two moderate opponents. Verdun and Montreuil (Pas-de-Calais) had already been won by the Radicals in by-elections before 1936 and were retained in the general election. In Digne (Basses-Alpes) and Arras II (Pas-de-Calais) the Radical was elected with the aid of Socialist votes on the second ballot.

In the other five cases, however, the Radicals and Socialists combined did not receive a majority of the votes on the first ballot, and the support of the Communist voters was evidently decisive on the second. In one case, Guingamp II (Côtes-du-Nord), the Communist vote was very small, but the majority obtained by the successful Radical candidate was even smaller. In the other four, St.-Dié (Vosges), Etampes (Seine-et-Oise), Compiègne (Oise), and the second division of Paris X, the support given by the Communists to the successful candidates was more considerable.

The Socialists gained seventeen seats which had been won by moderates in 1928 and 1932. They seem to have owed their victory in all but six of them to Communist support on the second ballot. In Villefranche (Haute-Garonne) the parties of the Left—Radicals and Socialists—had a majority in 1932, but neither had withdrawn and a moderate had succeeded. It was won easily in 1936. In Gap I (Hautes-Alpes) and Briey I (Meurthe-et-Moselle) the Socialist candidate was elected on the first ballot, and in Nantes I the Socialist was far in the lead on the first ballot and the Communist votes were insignificant in number. In Laon I (Aisne) and St.-Jean-de-Maurienne (Savoie) the Socialist was elected with the help of Radical votes.

In the other eleven constituencies, where the Communist vote was decisive, there were two, Bonneville (Haute-Savoie) and Bellac (Haute-Vienne), where the Communist vote was small, but the result was so close that it undoubtedly determined the election. In the other cases the numerical strength of the Communists was more considerable. These constituencies were Beaune (Côte-d'Or); Nancy III (Meurthe-et-Moselle); three in the Nord, Dunkerque I, Lille III and Lille V; Bethune IV (Pas-de-Calais); Pontoise IV (Seine-et-Oise); and two in the Seine, the first division of Paris XII

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and Sceaux III. In Dunkerque, Lille V and the Paris division, the Socialists and Communists combined already had a majority in 1932.

All the seats won by the Socialists in 1936 in which the Left had been successful in 1928 and the moderates in 1932, they owed to Communist support. There were eight of them in all. In Romorantin (Loir-et-Cher) and Nantes III the Communist vote was very small, but the election was extremely close. In Abbeville I (Somme) the Radical Socialist did not withdraw from the second ballot, but it is possible that he may have secured more votes which would otherwise have gone to the moderate than to the Socialist. The Socialist candidate had only a small majority over his moderate opponent, and he probably owed it to Communist votes. In Château-Chinon (Nièvre) the result was very close and, if some of the Radicals voted for the moderate candidate on May 3, as is probable, the Communist votes were probably decisive. In the other four constituencies, Marseille VI, Grasse I (Alpes-Maritimes), St. Quentin (Aisne) and Bethune I (Pas-de-Calais), the numerical support given by the Communists to the successful Socialist candidate was much more considerable, and, in every case, decisive. In Bethune I the Socialists and Communists combined had a majority in 1932.

In summary, of the seventeen constituencies gained by the Radicals and allied groups in 1936, they owed eight to Communist support and in the other nine did not require it, while of the twenty-five seats gained by the Socialists, Communist support was essential to victory in all but six.

The most striking result of the elections of 1936 was the tremendous increase in the Communist deputation. Before the elections there were only ten orthodox Communist deputies, ten more deputies belonging to a dissident Communist group (the *Unité prolétarienne*) and one deputy, from Thionville-ouest (Moselle), who had been elected as an independent Communist in 1932. He was reëlected in 1936. The dissident Communist group lost three seats: one, Forbach (Moselle), was won by an Autonomist, but the other two, St. Denis VI and VII, were won by orthodox Communists on the second ballot against the retiring deputies. The other seven dissident

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Communists were reëlected in Troyes I (Aube), Issoudun (Indre), St. Etienne IV (Loire), Nevers I (Nièvre), the second division of Paris XII, the first division of Paris XIII and the third division of Paris XVIII. The only constituency they were in any danger of losing was the first division of the thirteenth *arrondissement* where the contest was close with an orthodox Communist!

The only constituency won by the orthodox Communists in 1932 and no longer held by them in 1936 was the fourth division of St. Denis. This constituency was represented by M. Jacques Doriot, who had become a violent anti-Communist in the interval; he was reëlected, but has resigned since the elections. On the other hand the Communists, in a by-election, had won a seat, the second division of Toulon, which had been Socialist in 1932, and they retained it in 1936. The other Communist seats which were retained in 1936 were Marmande (Lot-et-Garonne); Douai II and Valenciennes III (Nord); Corbeil II and Versailles I (Seine-et-Oise); and four constituencies in the Seine, the second division of Paris XIII, St. Denis II, and Sceaux V and VI. One of these constituencies, the second division of Corbeil, was the most populous in France in 1932. It was divided into two for the 1936 elections and Communists were elected in both of the new constituencies. Most of these constituencies were won by the Communist on the first ballot, and in none did they get any decisive support from their allies except in Corbeil III.

Of the constituencies gained by the Communists in 1936, twenty-four were won by Socialists in 1932. Two of them, Lyon XII and Marseille II, were won by the Communists on the first ballot, and the victory was therefore not the result of the *Front Populaire*. In Mezières II (Ardennes) the Communist was opposed by a Radical Socialist on the second ballot; in Amiens II and both divisions of Paris XX the struggle was between the Communist and the retiring Socialist deputy; and in five other constituencies there were practically no moderate votes at all. In Alès I (Gard) the Communist was opposed by a Republican Socialist, in Marseille III by an independent Socialist (really an independent Communist), in Brignolles (Var) also by an independent Socialist, in the first division

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of Paris XIX by a Republican Socialist, while in the third division of St. Denis the Communist almost had a majority on the first ballot.

In the other thirteen cases, the alliance of the parties of the Left gave the advantage to the Communist, and, although the moderates were in a considerable minority in all of them, they might easily have been successful in some cases if the Socialist had not withdrawn in favor of his Communist rival. This is illustrated by one of them (Nantua-Gex) which had been Painlevé's constituency in 1932. After his death it was won by a moderate in the by-election, and recovered by the Left only because of the *Front Populaire*. The other twelve constituencies in this category were Bergerac (Dordogne), curiously enough largely rural; Arles (Bouches-du-Rhône); the first and second divisions of Valenciennes (Nord); Bethune V (Pas-de-Calais); Bourges II (Cher); and six in the Seine, the second division of Paris XIV, the first and second divisions of Paris XVIII, the first division of St. Denis, and the first and seventh divisions of Sceaux. In many of these constituencies the Socialists and Communists were bitter opponents in 1928 and 1932.

Thirteen of the Communist seats had been won by Radicals in 1932. In the eighth division of Sceaux (Seine) the Communist was elected on the first ballot, while in the tenth division of St. Denis the retiring Radical deputy did not adhere to the *Front Populaire* but presented himself as a moderate and was defeated. In five others the Radical did not withdraw from the vote on May 3. In the second division of Paris XIX the struggle was confined to the Radical and the Communist; the Communist was successful in 1928, the Radical in 1932 and the Communist again in 1936. In Lyon IX the struggle was also confined, on the second ballot, to the Radical and the Communist. In Agen (Lot-et-Garonne), Provins (Seine-et-Marne) and the third division of Versailles, the Communist was elected by a minority against both a Radical and a moderate. In Agen the Radical and Communist each had exactly the same number of votes on the first ballot.

In the other six cases where Communists replaced Radicals, the alliance gave the priority to the Communist who owed his

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election to the concentration of the Left on the second ballot. In Ussel (Corrèze) there was not even a Radical candidate—the Socialists and Communists sharing the votes of the Left on the first ballot. In Nontron (Dordogne) the number of Radical votes was insignificant and the Communist also owed his election to Socialist votes. Curiously enough both of these constituencies were essentially rural. In the third division of Nice there were almost no Communist votes in 1932, and yet the Communist secured first place on April 26 among the candidates of the Left and was elected on May 3. In the second division of Amiens there was also a tremendous increase in the Communist vote in comparison with 1932. In Corbeil I (Seine-et-Oise) the Radical vote had declined almost into insignificance in 1936, and the same was true in the third *arrondissement* of Paris.

The Communists also won the twelfth division of St. Denis, a new constituency in 1936 created out of a part of the tenth and a part of the eleventh divisions of St. Denis as they existed in 1932. In 1932 the Radicals had won the tenth and the Socialists the eleventh division. The Socialists retained the new eleventh division in 1936, but, as has been seen, the Communists won the tenth as well as the twelfth.

The other twenty-one Communist seats had been won by moderate or conservative candidates in 1932. The Communists won three of these seats by a minority vote and they cannot be regarded as substantial victories for the Left. In Grasse II (Alpes-Maritimes) there were two moderate candidates on the second ballot, but the Communist vote had been insignificant in 1932 and had increased remarkably in comparison with the other groups of the Left. In Strasbourg-campagne there were three moderate candidates on the ballot of May 3, and in the second division of Paris XV there were two moderates. In twelve constituencies the Communist minority was large in 1932, but in all these cases they required the votes of the other groups of the Left, generally of the Socialists, to secure election in 1936. These constituencies were Lille X, Meaux I (Seine-et-Marne), Pontoise I and II and Versailles V (Seine-et-Oise), all three divisions of Paris XI, the third division of Paris XV, St. Denis V, and Sceaux IV

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and IX. In the third division of Pontoise (Seine-et-Oise) the Radicals, Socialists and Communists combined actually had a majority on the first ballot in 1932; and in the remaining five constituencies, Douai I (Nord), Alès II (Gard), Paris IV, the third division of Paris XVII and the eighth division of St. Denis, the Socialists and Communists combined had a majority in 1932. The results of the first ballot indicate that the Communists could not have got a majority without Socialist support.

Leaving aside the two seats which they gained from the dissident Communists and the gain from the increased representation of Corbeil, the Communists gained fifty-nine seats in 1936. Eighteen of these, all won by candidates of the Left in 1932, they gained without profiting from the electoral alliance, but the other forty-one gains were all made on the second ballot and by virtue of the withdrawal of other candidates of the *Front Populaire*. It is possible that the Communists would have won some of these seats even without the alliance, by a minority vote, but it is significant that well over half of the Communist deputies were in fact not elected by Communist votes. On the other hand, the Radicals owed only eight of their gains to Communist votes and the Socialists only nineteen, or a total for both of twenty-seven. Of the thirty-eight seats which the other groups of the Left lost to the Communists, eighteen were won by the Communists without significant aid from their allies, while in twenty cases the alliance operated to the advantage of the Communists. It would not however be fair to conclude that the other groups had a net gain of only seven seats (the result obtained by simple subtraction) as a consequence of the alliance with the Communists, since without it they would probably have lost some of the twenty seats, if not to Communists, then to moderates. These calculations, of course, take no account of the seats lost by Radicals or Socialists to the moderates because of the alliance. The Socialists hardly suffered at all in this respect, but undoubtedly, as has been seen, the Radicals did.

It would perhaps not be presumptuous to conclude that from an electoral standpoint the net result of the alliance with the Communists was a slight gain in numbers for the Socialists and a considerable loss for the Radicals, but that the real

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advantage was gained by the Communists. While that is obvious from the number of deputies elected by each group, the aggregates, of course, do not show the real character of the advantages and disadvantages. It is impossible to estimate the electoral importance of intangibles, such as the enthusiasm (and, on the contrary, the apprehension) aroused by the common front; but this study does show that the long-run electoral tendencies of the country were not altered violently by the existence of the *Front Populaire*. Indeed, all the tendencies which were present in the elections of 1928 and 1932 were still operating. The losses by the Radicals to the groups of the Centre, particularly in largely rural areas, notably Brittany, were continued in 1936. This development is probably making the Radicals, not only more compact, but an increasingly urban group. The tendency for Radicals to be replaced by Socialists, especially in the South, was not halted; and the "localized" character of the Communist representation, in spite of the great increase in numbers, was as marked as ever. The outer *arrondissements* of Paris and more particularly the suburbs of the capital remain their great garrison. They also showed marked strength in the industrial, and especially the coal-mining, regions of the North and in certain departments of the South such as the Gard, the Bouches-du-Rhône, and the Var, although they were still far from being in control of Marseille. Interesting, perhaps, rather than important is the strength of the Communists in certain essentially rural constituencies in the valleys of the Dordogne and the Garonne, where it is hard not to believe that their success must be ascribed to the vividness of their political hue rather than to any settled Communist convictions held by the voters.

Finally it is not without significance that the other elements of the *Front Populaire,* Radicals, Socialists and associated groups, secured a majority in the Chamber even without the Communist deputies, and that they have demonstrated, consequently, that, from an electoral standpoint, they are less dependent upon the Communists than the latter are upon them.

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THE TENDENCY TO OBEY LAW

I

TODAY we frequently encounter denunciations of lack of respect for law as one of the great dangers to organized society, and particularly to the safety of the democratic community. At the same time, the rise of dictatorships has been attributed on occasion to lawlessness, identified with a lack of will or ability on the part of governments to govern. On the other hand, the success of dictatorships is often ascribed to fear, which results in acquiescence, and to the suppression of all dissent. For democrats, this raises the question as to whether it is possible to get that uniform conformity, so necessary for the effective working of the positive state, while retaining liberty for the expression of varied and, as often as not, conflicting views and ways of life.

Yet much of this perturbation apparently has two sources: the desire to treat law as a whole, and the failure to realize that men, in the present as in the past, in fact do just this. That is to say, those who look at laws as part of a whole law are unnecessarily perturbed by any evidence either of crime waves or of popular nullification, without seeing that most of their fellow men stubbornly refuse to judge laws pragmatically.

Political and legal theorists and the man in the street at least have this in common, that they worship law as a final authority in human affairs. The lack of realization that law is a creation of human beings and exists for human ends is indeed striking. Consciously or unconsciously, law is treated as an unanalyzable, metaphysical unity rather than as a more or less close-knit system made up of separate enactments and decisions which do not necessarily stand or fall together. Laws exist and must be enforced, though the heavens fall, or men are made miserable. Indeed, in extreme instances law is sometimes treated as above the legislature or the executive power,

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binding on both without benefit of discretion, so that they become guardians of sacred rites rather than servants of the community. Such an attitude is greatly reinforced by the ancient tradition of a government of laws and not of men, a tradition that has not yet lost its force and is indeed undergoing a certain revival owing to the fear of dictatorship. While this would seem primarily to concern the making of law, it can be applied no less to the duty of the citizen thereto. Indeed, there is prevalent a common fallacy which easily proceeds from, though it is not necessarily contained in, the theory of legal sovereignty; namely, that all laws are morally binding on individuals, regardless of belief, with the corollary that enforcement against offenders is an attack on the moral turpitude of the latter.

This whole position replaces the divine right of kings with the divine right of law; and in these United States the existence of a written and reverenced constitution makes the godhead readily apparent, while, as was shown in a recent controversy, even today the Supreme Court judges still retain a position not unlike that of the high priest. We have here, indeed, evidence of the survival in popular thoughts of a concept which, when left unconnected with any theory of social welfare, appears utterly grotesque. Yet the fact that such an attitude still prevails should give aid and comfort to those whose basic fear is lawlessness and the disappearance of ordinary procedures.

Now, historically the democratic theory emerged in combat with the doctrine of divine right [1] and, while it substituted the contractual idea in place of God's creation to explain the origins of authority, it took over the older theory as it applied to respect for authority when created, leaving only a small loophole for revolution. Even the more realistic Utilitarians succeeded only in finding, by a strained theory of utility, a reason for complete obedience to law,[2] while the Idealists made of law the command of a disembodied, rational state.[3] It is probably

[1] H. J. Laski, *Political Thought in England from Locke to Bentham*, pp. 9 *et seq.* and 39.

[2] J. Austin, *Lectures on Jurisprudence*, ed. R. Campbell, p. 29; *The Works of Jeremy Bentham*, ed. John Bowring, vol. III, pp. 219-220.

[3] G. W. Hegel, *Philosophy of Right*, trans. S. W. Dyde, pp. 240-247.

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this long and complex tradition, with its various strands deeply embedded in American thought, combined with that normal submissiveness and acceptance of authority by the mass of men which we have already indicated, and supplemented by an intelligible, if exaggerated, fear of the consequences of disobedience, that has ended in so general a taking for granted of a concept that is, when viewed critically, profoundly contrary alike to common sense and to the needs of a civilization marked by diversity and the impossibility of locating in any one place or any group of persons either an omnicompetent wisdom or a universally acceptable power. For, if the duty of uniform obedience offers a simple rule, and if there are real dangers in undiscriminating or purely selfish disobedience, it is none the less true that distinctions must be made, not simply for the individual's good, but for the welfare of society and for the ultimate safety of the state.

II

If we go back beyond the formal state to primitive society, we shall observe that there, too, no less than in our modern world, laws or group rules do exist, whatever their origin; and, what is more important for our purposes, there is a strong sense of obligation toward them on the part of the individual. Far from being a noble savage, free, unconstrained and unafraid, the primitive man would seem to be subject to definite rules of a more or less rigid character. Nor is this subjection simply a matter of external force, of compulsion applied by authority to an unwilling subject: the individual feels, and in some cases feels more strongly than do our civilized contemporaries, that the rules are right and ought to be meticulously observed.[4] Indeed, among some peoples it would seem that this sense is so strong that, when the rule has been broken, the individual himself applies the sanction.[5] With the possible objective usefulness of such rules in terms of existing conditions of life we are not concerned. In the

[4] On the question of the sanctions involved, and their nature, see E. Sidney Hartland, *Primitive Law*, pp. 8, 143-144, 214.

[5] B. Malinowski, *Crime and Custom in Savage Society*, pp. 78-79, 98.

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course of time such rules doubtless became customary, with priest or medicine man perhaps having the function of interpreter, deciding what is fitting and not fitting. The spirit speaks through him, and the words are accepted as the *ipse dixit* of a supramundane authority, in nowise to be questioned. Reverence for the inspired word, whether we choose to call it superstitious or not, is an essential element in gaining and in giving an obedience that has no conscious connection with the pragmatically useful. Certainly at this stage a rational examination of what is commended is well-nigh unthinkable and would, indeed, be extreme impiety.

This attitude is to a large extent carried over into the historical state as we know it and has by no means disappeared even in our own questioning and supposedly individualistic age. It is notable that in the early Greek city state, as in ancient Rome, religion and civic duty are closely interconnected [6] and that it is as true to say that the state exists as an organ of reverence and worship as that the gods are protectors of a purely temporal adventure. When the ancient rules become more set while the circumstances of society are more varied, causing some disharmony, one gets the rise of lawgivers. Men still feel the need of definite, known rules, and are miserable without them: indeed, unless there is a unified scheme to which obligation is due, one may get tragedy through the mere conflicts of duty.

Codes reaffirm the established mores, and help to eliminate possible tragedy, as well as to prevent faction and to preserve or create unity by a severe insistence on the primitive customs or by their modification.[7] These codes, it is to be noted, are subsequently attributed to lawgivers,[8] such as Moses, Draco, Lycurgus, Solon, or Numa, some of whom are actual historical

[6] The religious element in the authority of the kings in Greek cities is shown in G. Glotz, *The Greek City and Its Institutions*, pp. 39-40.

[7] R. J. Bonner and G. Smith, *Administration of Justice from Homer to Aristotle*, p. 69.

[8] On the position and authority of the lawgiver, see A. Arthur Schiller, "Lawgiver", *Encyclopaedia of the Social Sciences*, vol. IX, pp. 275 *et seq.*

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personalities, while others are simply personalizations of the accretions and changes to traditional law.

In any case what is noteworthy is that even at a considerably later date the tradition is accepted, and no one thinks it strange that individuals should have had authority to give law. The very term "lawgiver" is itself revealing in this respect. It is for wise and inspired authority to determine how men should behave, and the awe of the given word persists. Indeed, the lawgiver is considered, and perhaps considers himself, as one revealing law given by a higher and external authority rather than as an individual with power to make laws according to his own desires or in terms of his own reason. Individualism there cannot be, owing to the conditions of life, and we who live today completely misinterpret if we consider that Sophocles' *Antigone* reveals a recognition of the problem of the individual versus the state. It reveals rather the inescapable dilemma presented by the conflict of two sets of rules equally authoritative and equally binding, and the result must be tragedy because no rational solution may be offered.[9]

Nor does the growth of skepticism and the pursuit of truth and knowledge by inquiring minds free men, even including the inquirers themselves, from the bonds of an ingrained reverence for the majesty of law. Socrates' acceptance of his condemnation as portrayed in the *Crito* shows clearly this failure to consider law in terms of its mundane performance.[10] Doubtless the decline of respect for law in his time and the growth of short-sighted selfishness may have caused him to feel that it was necessary to emphasize the part played by the legal scheme in preserving social cohesion. Yet, while he urges that his judges are mistaken and in the *Apology* makes a significant plea for freedom of expression, he does not go on to suggest that there are limits to obligation or that gratitude to the state is not unconfined. Moreover, it is clear that he conceives of law as a whole, superior to its interpreters, and feels that it embodies an authority more than human. His position rightly emphasizes the fact that the badness of a law

[9] Gilbert Norwood, *Greek Tragedy*, pp. 137-141.

[10] *Dialogues of Plato*, trans. B. Jowett, "Crito", 50.

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does not itself absolve men from the duty of obedience, but he does not go further and discover reasonable limits to that duty in terms of social welfare.

It is beyond the scope of this article to follow in detail the development of attitudes toward, or theories of, law. Yet certain significant viewpoints must be underlined. The coming of Christianity makes no essential difference to the reverence given law as something beyond the scope of rational inquiry. The early Christian martyrs repeat the story of *Antigone,* if with a difference. No longer is the conflict of binding laws one which arises within a unified system. But essentially the Christians are not pleading for individual freedom against law, but are arguing that they must obey their own inspired authority unquestioningly, without thereby denying the right of the Caesars. They do not suggest that Caesar's law is to be examined by the light of the earthly welfare of the subjects to whom it applies; and they are fully prepared to accept it in terms of its own inspired source, save where it conflicts with the Christian-Jewish law which forbids even the formal worship of other gods. What is interesting here is that the latter law is itself accepted as an absolute command not to be trifled with or tested by the earthly welfare of the subjects of the Lord.[11]

Nor in later times are the conflicts between churches and state fought in terms of the right of individual judgment or the necessity for examining laws in terms of temporal affairs. From the point of view of the present day, Pluralists may be right in seeing the struggles between all kinds of denominations and all sorts of groups as a conflict for the independent life of corporations apart from the state, and as bringing about the downfall of the concession theory.[12] Certainly it is true that out of those struggles grew religious toleration;[13] though it is perhaps possible to argue that this was gained through the decreasing importance of religion itself and the increasing

[11] Wm. A. Dunning, *A History of Political Theories, Ancient and Medieval,* p. 153.

[12] John Neville Figgis, *Churches in the Modern State,* pp. 39, 49-50.

[13] W. K. Jordan, *The Development of Religious Toleration in England,* p. 79.

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transference of reverence to, and reliance on, the state,[14] a tendency emphasized rather than diminished by the growth of democracy. However this may be, we see little sign in all the religious struggles against the state, whether Protestant or Catholic, of any genuine sense of the importance of the individual as such or any real belief that laws are offerings to be tested by their performance, including their effects in terms of the fulfilment of individual desires.

What is striking is rather the pathetic earnestness of those who are unable to obey a specific law in insisting that they eagerly desire to accept the state's authority in general and that it is only the existence of this other law which prevents them from so doing. Rarely, indeed, do we find any question as to the bases of authority in general or any suggestion that laws as laws do not command an unquestioning obedience. It is, of course, possible to interpret this as simply the dictate of sound diplomacy, since such an attitude promises more hope of success for the specific claim. To disprove the truth of such an assertion is perhaps impossible, though the very fact that until recently the greater number of controversies have been carried on by religious groups, who did have their own non-rational and non-material laws, suggests at least the possibility that it is psychologically untrue.

That the general attitude of mankind has been to identify authority with law and to see law simply as the product of an unquestionable source justified in terms of the position of the holders of office, who literally do gain some inexplicable inspiration from that office, at any rate in the eyes of their subjects, is shown clearly by revolutionary situations. Not only do men have to suffer deeply and over a long period before they will revolt, but it is interesting to see how both up to the very eve of the French Revolution and to a lesser extent in the day of extreme grievance under the Czars the protesting populace was ready to recognize and accept the authority of their respective rulers without questioning the premises on which it was based. They insisted simply that the rulers were

[14] Philip Belasco, *Authority and the State*, pp. 156-157.

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surrounded by evil advisers and protested their loyalty to the anointed head.[15] Once more it could be claimed that this was simply good tactics, while it may also be shown that certain advisers were in fact peculiarly hated. Nevertheless, the very willingness to accept authority without question of its right to be is an illuminating phenomenon, while the long life of the doctrine of the divine right of kings in all its various phases offers some substantiation of this thesis as to popular psychology.

Nor did the Age of Reason essentially produce a different concept of laws. It was indeed critical of arbitrariness exercised by an unenlightened individual, but the delirious rationalism that it offered as a substitute was itself authoritarian and supramundane,[16] while the excesses involved in the worship of a goddess of reason were not entirely a misrepresentation of its temper. Reason, instead of being a necessary tool to discover the relations of things and to test and organize experience, became itself an unquestioned non-material and non-social basis for a legal order, as indeed it had to some extent been in the earlier Stoic philosophy. The connection of this romantic rationalism and the democratic dogma is not far to seek, and the representatives of the people as legislative bodies spoke with the voice of an authority not less to be questioned than the older gods.

In the popular theory, law made by democracy was reasonable and so commanded an unquestioning allegiance, because it represented the consent of the governed and the will of the people, so that while men as individuals might have little respect for their fellows, or belief either in their infallibility or in their appreciation of what was most to their true advantage, yet they could still without awareness of logical inconsistency bow down in worship before the sum total of citizens considered as a political entity. Inherently the concept *vox populi*

[15] Edward J. Lowell, *The Eve of the French Revolution*, p. 381.

[16] Carl Becker, *The Heavenly City of the Eighteenth Century Philosophers*, p. 30.

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vox dei is no sounder than that of the divine right of kings,[17] but it could command an equally unquestioning reverence, and perhaps even a greater one, since flattering to the sense of nationality. Respect for law of an unquestioning character was, therefore, still required and was given in the same spirit of reverence for a mystical, and hardly earthly, inspiring force.

Nor has the fact that democracy is today simply a scheme of government by representation altered this. The critics of democracy have shown at great length the realistic and very ungodlike character of the forces having effective power, as well as the techniques through which that power is exercised.[18] The ordinary man also is well aware that the politician is a fellow man with weaknesses like his own; and the shrewd campaigner even tries to emphasize his good fellowship, while his opponents, as well as the advocates of good government, forever make clear his capacity for succumbing uninspiringly to temptation. Nevertheless, the attitude of reverence for legislators, when they are formally gathered together, and the automatic acquiescence in their mandates, at least as a normal assumption and granted the frequent criticism of their works, remain as a proof of this reverential attitude to law with which we have been concerned. It might be claimed that this is due to a genuine fear of anarchy; even though in specific cases we do get nullification without seemingly harmful results, men's fears of disorder still persist. Rarely, indeed, do those nullifying suggest that law ought to be tested by its performance or that nullification is normally a proper procedure. Rather they stress their reverence for law and find all sorts of reasons for disobedience, provided they do not conflict with insistence on such reverence. While intellectually we may have abandoned the belief in divine inspiration of legislative bodies, which causes poor clay to transcend itself, we still react emotionally as if the belief were true and as though God's spirit really descended at the chaplain's invocation.

[17] In its day the latter had real practical value. See J. N. Figgis, *The Divine Right of Kings*, chap. i.

[18] See e. g. Frank Kent, *The Great Game of Politics*, chaps. xlii, xliii, xlv; Peter Odegard, *The American Public Mind*, especially chaps. vi and vii. See also *The Autobiography of Lincoln Steffens*.

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III

The above analysis is intended neither as a justification for implicit obedience nor as a proof that men uphold the duty of obedience simply in terms of a superstitious reverence. Far less is it suggested that such reverence is generally or of necessity a conscious attitude. More normally, indeed, the motivation is unrecognized and would, if explicitly advanced, encounter a vehement denial. Yet very generally the term "law" does evoke a reaction of positive consent, even in the professed pragmatist, and only when a recognized problem involving real conflict between this attitude and some specific purpose arises does he force himself to rational examination.

It would also be unwise to neglect the fact that the desire for order plays an important part in compelling an almost automatic consent to the state's commands through law. Indeed, the reverence for authority, and the fear of disorder, have been historically closely connected. In primitive times the subjective sense of obligation is doubtless not rationalized, though such a sense may have a pragmatic objective utility. Even in Greek thought reverence for law still remains an obvious duty, and is given a rational, and not consciously utilitarian, justification only when the Sophists treat laws simply as conventions and fail to appreciate the deeper importance of the legal scheme.[19] But later the development of concepts of universal law, the growth of feudal relationships, and the preoccupation of philosophers with order and peace show a more conscious awareness of the function of law as a social bond to which obligation is due, even if it is higher law rather than the state's command which is emphasized.[20] But with the breakdown of medieval Christendom it is the state which becomes the interpreter and maker of law, and man's duty is

[19] See Ernest Barker, *Greek Political Thought, Plato and His Predecessors*, pp. 57-58, 64 *et seq.*, 69 *et seq.* The attitude developed out of a consideration of the contrast between νόμος and φύσις.

[20] For a discussion of the meaning of higher law, see John Dickinson, *The Statesman's Book of John of Salisbury*, Introduction, xxvii *et seq.*; also Max A. Shepard, "William of Ockham and the Higher Law", *The American Political Science Review*, December 1932 and February 1933.

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to his prince, though conflicts between God's command and the state's law may change this and create tragedy. Yet, though the automatic reverence for authority now receives intellectual justification, for most men the purely subjective sense of duty remains the basic cause of obedience. Nor has this feeling of duty by any means disappeared today.

Until quite modern times the state has been practically the only body, apart from the family, organizing social life for mundane ends. For, if the churches have separated to some extent the sanctions of religion and of politics, it is only recently that they have avowedly had as their prime concern human earthly welfare; and even this is true only of certain branches. Indeed, while the churches have at times had awkward conflicts with the state and have at others felt simply the desire for freedom therefrom in terms of avowed differences in ends, they have in general desired either the state's support or have acquiesced in regarding it as the one organization for dealing with mundane affairs. Men have relied on the state because there was no other toward whom they might turn, and have welcomed the spread of kingly authority itself as a deliverance from uncertainty and danger. The Industrial Revolution may have brought individualism, democracy, and the desire for a diminished state in order that a nature which was beginning to show itself more subject to human control might be more effectively exploited, so that men could escape from the dangers of an immediate dependence. Yet it should be noted that the desire for the state as a protector of order and as the one authority under whose blessing individuals might thrivingly pursue their ends was by no means diminished.[21] Reason suggested that the state limit its legislative activities, but there was no illusion that men had any other authority to which they might turn to secure the necessary safety or that it was possible to disobey law without undermining civilization.

[21] This is clear even in Adam Smith. See, *An Inquiry into the Nature and Causes of the Wealth of Nations*, bk. v, chap. i. See also Jeremy Bentham, "The Book of Fallacies", in *Works*, ed. G. Bowring, vol. II, p. 424; also "Anarchical Fallacies", vol. II, p. 501.

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IV

The history of this country has a certain peculiar interest in this respect. Much has been made of the individualism of the pioneer and of his objection to the restraints of law; and today we frequently hear lawlessness talked of as a continuation and survival of that idea. Perhaps we do not hear enough of the eagerness of settlers for the blessings of the law.[22] Yet it is noteworthy how rapidly informal organization to perform essential state functions, as well as the formal organization of state governments, takes place.

Properly understood, the economic interpretation of history has a high degree of validity, but it leads to singularly false conclusions if we infer that states were consciously and deliberately the creatures of economic groups or that men felt for the state and judged it in merely economic terms. Today the development of wealth, the growth of giant corporations of a purely mundane kind with vast power in their hands, the increasing size of population, and the growth of complexity in human relationships have, even granted dangers based on a remote connection of events, made it possible for individual laws to be challenged and disobeyed without producing complete disorder, anarchy, extermination, or even, in some cases, very noteworthy harm. This has led to the development of theories of the state as the creature of groups,[23] as an umpire or arbiter rather than authority; and it has also made possible alike the practice of nullification without too great incidental danger and the intellectual theory that law is but a convenience to be judged by whether it is truly convenient. Yet the old idea of law and the state persists, and men are still apt to find the statement as to what is legal a conclusive basis for behavior, quite apart from the fear of sanctions and without rational inquiry as to what effects disobedience would have on the social structure.

[22] Benjamin F. Wright, Jr., "Political Institutions and the Frontier", in *Sources of Culture in the Middle West*, ed. Dixon Ryan Fox, pp. 31-32.

[23] It is interesting to note that Pluralism has been developed mainly by the Left Wing; the concept of group rights has not hitherto been taken over in the interests of business corporations.

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Both these positions may, of course, be equally inadequate. While, for instance, the corporation may feel that it has within itself great strength and vast power, and may on occasion dare to defy the state, yet at the same time it is largely dependent on that state for protection of its interests and must submit to limitations in return therefor, limitations made largely in the interests of other portions of the community. Indeed, one may say that, while in certain respects the state is a creature of groups or an arbiter between them, in others it is an authority over them working for a more general welfare.[24] Though its particular decisions may at times be, and be judged, wrong, it is none the less necessary that decisions should be made, and their occasional wrongness is not of itself an adequate reason for disobedience thereto, far less for revolution. Further, as a result of increased diversity the need for regulation may be greater than previously in certain spheres.[25] Yet one result of such diversity is the production of different moralities, outcome of varied experiences, and here there is apt to be a deep-seated conflict of obligation if the state tries to impose uniformity. The conflict of two or more obligations has in it all the elements of a Greek tragedy, but the problem is not to be solved by the state's imposing a new rule, while no *deus ex machina* is at hand. A satisfactory solution here can be attained only if the state retires.[26]

Finally, it is necessary at this point to insist that it is not intended to condemn entirely the attitude of reverence for law; since the majority of men have not yet reached the stage where they are capable of a general social philosophy, looking beyond their immediate and particular interests, a normal willingness to accept laws as morally binding, and to feel a sense of guilt on disobeying, is probably useful, and even necessary, for the

[24] This is the basis for W. Y. Elliott's "co-organic" theory of the state. See, *The Pragmatic Revolt in Politics*, pp. 497 *et seq.*

[25] See, for example, Rexford Guy Tugwell, "Design for Government", in *The Battle for Democracy.* Indeed this general idea is emphasized at various points throughout his work.

[26] The justification for this position is beyond the scope of this article. See the writer's recent article, "Political Obligation, Democracy, and Moralistic Legislation", in *Ethics*, January 1939.

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continued functioning of the state and for the preservation of that minimal order without which no social welfare can be achieved. That the growth of a capacity to distinguish and to judge is desirable, few would deny; until it has developed, such an habitual attitude is nevertheless valuable and constitutes a real safeguard for society. Certainly it is impossible to accept unqualifiedly that point of view which holds that men should judge particular laws in isolation and in terms of their own interests and desires exclusively. Undoubtedly, it is the state's duty to grant as much satisfaction to as many as possible. Yet at the same time there are today certain spheres where decision is vital and compromise impossible. The state may here have a duty to act with care, but the individual can scarcely claim a lack of obligation to obey when the state has decided, in terms of the particular issue considered in isolation. On the other hand, there are also spheres where no uniform conformity is necessary, and here the problem of obligation involves somewhat different factors.

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REVIEWS

The Ramparts We Watch: A Study of the Problems of American National Defense. By GEORGE FIELDING ELIOT. New York, Reynal & Hitchcock, 1938.—ix, 370 pp. $3.00.

One of the curious lacunae in American political studies is the comparative absence of treatises on military affairs. The United States Army, for example, has had no historian comparable to Sir John Fortescue. The best military biographies of Lee and Jackson have been written by Englishmen. We have had no theorists in the science of war comparable to Clausewitz or Scharnhorst. Until very recently no American newspaper has regularly employed a military critic, and even now none has on its staff a man of the stature of Repington, Temperley or Liddell Hart.

This absence of military affairs as a subject in American political writing is not due to any lack of competence on our part. The *Infantry Journal* and the *Proceedings of the United States Naval Institute* are among the best professional periodicals in the world. We have historians like Allen French, James P. Baxter III and Alfred Vagts who have done and are doing useful work. Nor is it due to lack of military experience as a people, for we have fought two major wars and have had our share of the martial spirit. Also, in both the War of Independence and the Civil War, American arms have made distinctive contributions to military science and tactics. John C. Calhoun, Elihu Root and Newton D. Baker were outstanding Secretaries of War who grasped the problems of national defense in their larger economic and political significance. And in Admiral Mahan we boasted a naval historian and strategist of parts and one of the most successful propagandists of modern times in behalf of the cause of armaments.

In general, however, we have indulged in little research or speculation on national defense and have evaded the formulation of a military policy. Now comes Major George Fielding Eliot whose *Ramparts We Watch* is an answer to a crying need. His book is the most significant contribution to the discussion of American national defense since the earlier works of Mahan and since Emory Upton's *Military Policy of the United States* was published some thirty years ago. But this volume is vastly superior to most of what Mahan

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wrote and, unlike Upton's work, can accurately be described as a searching inquiry into American military policy. Major Eliot's book is notable for its grasp on the realities of national defense, for the modest program which it lays down as a means of achieving national security, for its freedom from jingoism, and for its clear and eloquent literary presentation.

Major Eliot believes in the invulnerability of the United States despite the destructiveness, range and speed of modern weapons of war and despite the new situation which has arisen in Europe and in the Far East since the rise of totalitarian governments. He believes that any military policy should be based upon this invulnerability, the precious gift of geography and natural resources. Although he is a soldier, he pleads eloquently for sea power; indeed it is the seas which are the "ramparts we watch". Impregnable as we are behind these ramparts, we should not risk defeat abroad or dictatorship at home by considering an expeditionary force for any purpose whatsoever. Thus: "For our own security we do not need, and we ought not to create, instruments of military power, capable of immediate action on land in Europe or in Asia. It is not needful that we should bear such burdens, nor deliberately propose to assume such dangers to our free institutions as might accrue from a great overseas war, requiring as it would the regimentation of every aspect of our national life" (p. 75). Without an overseas expeditionary force we can avoid the Industrial Mobilization Plan, the May Bill and other devices which will involve virtual autocracy in war and unnecessary economic depression after the return of peace. In this, as in other respects, the author's vision transcends the technical horizons. His recipe for national defense is not just more and bigger appropriations.

As this is Major Eliot's first important venture into the field of military criticism,[1] he naturally enough reveals some faults. He is a little credulous in saying, as he does, that the whole course of human history reveals that armaments do not breed war. His historical background is not all that it might be—for example, he seems to be unacquainted with the work of the fathers of this nation in laying down between 1789 and 1823 the broad outlines of a grand strategy for the United States. He likewise overlooks in large measure the vital significance of the European balance of power as a factor in the achievement of national independence, the promulgation and

[1] A year ago he was co-author with Major Ernest Dupuy, U.S.A., of *If War Comes*, a description of the character of modern warfare.

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maintenance of the Monroe Doctrine, and the preservation of American security at times when national armaments were insignificant or almost nonexistent. Some of these shortcomings are revealed in his bibliography, which is too parochial for a work of this sort.

Despite these minor defects, *The Ramparts We Watch* is destined for a large and important place on the shelf of indispensable books in American history and politics. It may confidently be predicted that it will exert widespread influence in the discussion of "rearmament" in the United States. It is commended to every student of public affairs and to every citizen who has the welfare of the nation at heart in these times that try men's souls. Because of Major Eliot and his work, it can no longer be said that the United States is lacking in a first-rate military critic.

EDWARD MEAD EARLE

INSTITUTE FOR ADVANCED STUDY
PRINCETON, N. J.

Peuples et civilisations: Histoire générale. Edited by LOUIS HALPHEN and PHILIPPE SAGNAC. Vol. XI: *La prépondérance anglaise (1715-1763),* by Pierre Muret, with the collaboration of Philippe Sagnac. Paris, Librairie Félix Alcan, 1937.—652 pp. 70 fr.

This volume treats the history of the world from approximately 1715 to approximately 1763. From the preliminaries of 1711 to the final treaties of 1715, some fourteen principal conventions were signed between the chief powers of Europe. These treaties constituted an international charter largely of British inspiration and signified the bases of British preponderance ascribed to England by the other European powers of the time—preponderance, not domination, for the world was too large and varied for any single state or people really to dominate.

The main body of this book is the work of Pierre Muret and is chiefly political in character. It treats not only of the histories of England and France but of all the other countries of Europe and the world, large and small, and also of the countries of Asia and America, North and South. Two important sections of the book are the product of M. Sagnac, pages 266-317 and 548-584, and these pages are devoted to a survey of the intellectual and social life of the times, of the great currents of ideas, of the arts and the sciences of the period, of the intellectual and creative efforts and achievements of the world during a mighty half-century of its history.

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This volume is a history of the world and of the world's chief activities during the period covered. The bibliographies are abundantly and systematically presented, often with critical or descriptive comment, at the beginning of each chapter and each important subdivision of a chapter. These bibliographies are most useful. They are wide-ranging, carefully selected and thorough. They present materials of every kind, including contributions of the last few years, if such are available. They are in various languages and are altogether most helpful to any student who is in earnest.

The topics treated in the body of the volume are numerous. The methods and activities of John Law are clearly stated and described, the elaboration and the liquidation of his theories and his projects amply presented. The growth, the different phases, the limitations of Methodism, the personalities of its leaders are clearly set forth. Not only is the part taken in the wars and politics of the period by the outstanding figures of the time indicated—by Walpole and William Pitt, by Peter the Great and Frederick the Great, by Maria Theresa and Choiseul—but also the rôle of many lesser participants is made clear. The boldness of those Englishmen who conquered the French in remote and significant regions of the world and greatly extended the British Empire in the Seven Years War—of Boscawen and Hawke, Clive and Wolfe, all animated by Pitt—is given due attention. But if the influence of Great Britain at the moment when she emerged victorious from the warlike crisis of the middle of the century is abundantly apparent, yet the intellectual and artistic supremacy of France is at the same time made impressively evident by the examination of the works of Montesquieu and Voltaire, of d'Alembert and Diderot, of Buffon and Rousseau. The English ideal expressed itself in the creation of a maritime and colonial empire, the French in the wide dissemination of certain ideas or principles of universal law.

CHARLES DOWNER HAZEN

Political Philosophies. By CHESTER C. MAXEY. New York, The Macmillan Co., 1938.—xiii, 692 pp. $4.00.

This volume is the latest of numerous single-volume histories of political thought that have appeared in recent years. It gives more space than usual to the political ideas that preceded the Greeks, then follows the orthodox chronological discussion from Plato to fascism. Theories of the relations among states are not given much attention. It is a distinctly readable book, the style in some cases being almost

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breezy. The chapter headings, for example, do not always follow the conventional pattern; the one dealing with imperial Rome and the rise of Christianity is entitled "*Vicisti Galilaee*", and the one dealing with Machiavelli and More is entitled "Strange Interlude".

As to method of treatment, the author states that he aims to combine lively biographical sketches of the leading political thinkers, concise expositions of the nature and significance of their works, paraphrased summaries of their major writings and doctrines, and a few characteristic quotations from their works. It may be noted that the author also frequently quotes the opinions of other recent writers on the history of political thought and indicates differences of opinion in their interpretations. In general the material is treated objectively and fairly, but sometimes the author expresses his own judgments. His treatment of Machiavelli is decidedly favorable, and he seems far more critical of fascist doctrine than of recent proletarian ideas. He is hopeful for the future of democracy, but emphasizes the complexity and confusion of the modern world.

In the opinion of the reviewer the book is weakest in its treatment of the Middle Ages. The period from the fifth to the fifteenth century is discussed in a brief chapter of eighteen pages, and the reader does not get an adequate idea of the writers or issues of that period or of the important changes from imperial Rome to feudalism and then to the national state. The important politico-economic doctrines of mercantilism in the early modern period are omitted entirely and the Physiocrats are discussed only incidentally in connection with Jefferson, and not in their proper French setting. Sufficient historical background to make the idea of various periods intelligible is not always given.

Political thought in the United States is condensed into a single chapter, entitled "American Echoes", although what it is echoing after the American Revolution is not clear to the reviewer. The controversy with England and the establishment of the new Constitution are discussed adequately, but the treatment of American thought after 1820 is decidedly weak. The author is bitterly critical of Calhoun, and disposes of the period between the Civil War and the opening of the twentieth century by saying "nothing in that sterile era is of sufficient importance to require attention" (p. 444). It seems to the reviewer that political thought in the United States today is sufficiently different in its general point of view and in the nature of its main issues from that of the Civil War period to require some explanation.

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However, the book judged as a whole is an excellent piece of work and, in the hands of a competent teacher and with students who have a good historical background, should be a stimulating textbook. In many ways it makes political philosophies more vivid and real than do most works of this type. The final chapters are especially good in suggesting the most important problems in present-day political thought.

RAYMOND G. GETTELL

UNIVERSITY OF CALIFORNIA

Predecessors of Adam Smith: The Growth of British Economic Thought. By E. A. J. JOHNSON. New York, Prentice-Hall, 1937.—ix, 426 pp. $3.50.

This book is a series of essays dealing with writers and ideas usually referred to as mercantilist. It falls into two main parts. The first is composed of ten chapters, each concerned with a specific figure ostensibly typifying a new attitude toward emerging problems. Thus Hales is used to denote the Humanist; Malynes, the Dogmatist; Misselden, the Critic; Mun, the Strategist; Petty, the Experimentalist; Nehemiah Grew, the Scientist; Charles King, the Propagandist; Hume, the Synthesist; Postlethwayt, the Publicist; Stewart, the Political Economist. The last four chapters are devoted to the mercantilist ideas as a whole under the general rubric of "a primitive theory of production". Professor Johnson has attempted a necessary task. The superficial accounts of mercantilist ideas generally found in histories of economic thought are a source of indignation to close students of the era.

Professor Johnson has conscientiously gone through a vast amount of literature. It is no easy task to make intelligible these early writings. Aside from Hume, hardly any one of them is gifted with extraordinary literary ability. A number were business men, or the paid hacks of business men, intent on defending their pecuniary interests and attacking opposing business men. They staunchly believed in using the national authority to aid their interests or to curb opponents, but at the same time they found reasons why their particular enterprises should be free of any restrictions. In the language of the day, the king was the fountain of wisdom, but the wisdom he was supposed to follow was that of the merchant. This was carried to such a degree that the king was advised that his only councillors should be merchants.

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To students of the general run of mercantilists, their conceptual apparatus hardly extended beyond the increase of money as the bench mark of national prosperity. Sometimes this money might be specie; in the more mature speculations it was an increase of investment, domestic and foreign. Production was discussed, but only as an incidental feature of the money-making process. It was production as carried on under the logic of capturing markets or increasing funded wealth. Thus labor must be worked at the greatest intensity and should receive, at best, a minimum of subsistence. Markets must be carefully analyzed in order not to exceed what the traffic will bear. Mun even specified that a good merchant should observe the military resources of the countries he visits, and Stewart advocated the enticing of foreign countries to purchase English luxury manufactures in order to ennervate them.

Professor Johnson's presentation suffers in a number of respects. The categories of types are not exclusive and few of the figures could not easily fit most of the types. It is hardly a good justification for including Postlethwayt in the studies, "that the writings of Richard Cantillon were probably first published in dismembered form between the covers of Postlethwayt's *Universal Dictionary of Trade and Commerce.*" The division of the work into, first, studies of specific individuals and then their ideas inevitably leads to considerable repetition. Six of the fourteen main chapters have been published before in various journals and have not been completely integrated with the rest of the book. No useful purpose seems to be served by the various appendices devoted to a list of articles of an economic or quasi-economic character in the *Transactions of the Royal Society,* a comparison of Postlethwayt's dictionary with Savary's, a list of authors and works cited by Postlethwayt and a list of authors cited by Stewart. There are too many sentences as the following: "Malynes was painfully earnest, sincere and forthright" (53); "there is no mention in Mun's first essay, of the balance of trade because Misselden had not yet coined the phrase" (77); "naive theories are better than none if for no other reason than that they presage more accurate thought" (315).

The author also has a penchant for considerable digressions to demolish what he conceives to be the misconceptions of previous students. Thus Hume, he asserts, has been considered a revolutionary in economic thought and close to Adam Smith, but Hume, he continues, really has many of the mercantilist views, particularly the praise of the merchant, and Adam Smith completely broke with

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this position. However, even mediocre histories of economic thought, not to mention Adam Smith, have called attention to Hume's mercantilism, and at the same time Smith bodily accepts Hume's analysis of the beneficence of the merchant that Professor Johnson presents. (Canaan edition of *The Wealth of Nations,* XXXI, 385.)

A more thorough knowledge of the political philosophy of the day would have enriched Professor Johnson's discussion of labor. It was the prevailing political thought that the laboring classes constituted no organic part of the commonwealth, and so the rigorous injunctions of the mercantilists against so-called idle labor and high wages were the result not so much of a theory of full efficiency of the factors of production, as of a theory of the pecuniary efficiency of the classes that did count, businessmen and landlords who were often indistinguishable.

JOSEPH DORFMAN

COLUMBIA UNIVERSITY

The Growth of Collective Economy. By F. E. LAWLEY. London, P. S. King & Son, 1938. 2 Vols.—xx, 524; xv, 485 pp. 35s.

This work springs from a belief that "it is impossible to remove the two greatest curses of the modern world, poverty and the threat of war, while there remains a glaring inequality in the distribution of property" and, consequently, that the rights of ownership must be curtailed. To eliminate unfair advantages enjoyed by some nations over others, collectivism must be international as well as national. Mr. Lawley believes that the development of a public opinion favorable to this collectivism "will be assisted by a demonstration of the extent and rapid growth of 'collectivist' industry and trade, and of economic life in general and of the proven capacity of 'collective' undertakings to increase economic efficiency and to promote economic progress." He has, therefore, devoted himself since 1924 to the task of providing this demonstration. Having worked during the past thirteen years in Geneva as a journalist and a member of the staff of the International Labor Office, he has been well placed to observe developments throughout a large part of the world.

By relying upon the cumulative weight of example Mr. Lawley crushes the reader. Hardly any country is too small or any reference too meager for inclusion. He gathers his examples from

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Ecuador, Malta, Indo-China, Iran and Manchukuo as well as the larger capitalist countries. The difficulty of comprehending this detail is increased by some disorderliness and repetition. The material varies in significance in another respect. Summaries of laws and constitutional provisions are mingled with proposals by governments, political parties and individual reformers. Nevertheless, there is much valuable reference material. Its sweep makes any appraisal of its accuracy difficult. Although a high standard appears to have been achieved, exception must be taken to the statement that the loans of the Reconstruction Finance Corporation enabled it to "obtain control of various essential industries and financial concerns to help it in planning economic reconstruction and rationalization."

The treatment is almost entirely in terms of administrative procedures. The record invariably ends with the appointment of a board or commission to regulate some activity or industry. Mr. Lawley throws little light upon the difficulties of selecting and formulating objectives and implementing them. There is no analysis of the causes of the emergence of collectivism in some fields rather than others. His record reveals, however, the almost world-wide interference of governments with the production of and trade in wheat, with shipping and petroleum, and with activities wherever they bulk large in the total productive activities of a country. His discussion of methods of intervention is in general and conventional terms. His promise to present evidence of the capacity of collectivist organization to "increase economic efficiency and promote economic progress" is never fulfilled. The cause of collectivism is obstructed by the lack of just this evidence.

The discussion of international collectivism is on the same level as that of national collectivism. Mr. Lawley may well be right in saying that, if we fail to develop international economic controls, we shall perish. "*Laissez faire* implies economic anarchy. . . . Belief in *laissez faire* must be replaced as the mainspring of economic action by a firm belief in world economic organization." Geneva has failed largely because of its unreadiness to jettison ideas of laissez faire and free trade which have dominated socialist as well as conservative politicians and also the coöperative movement. Mr. Lawley pursues international coöperation through to a World Economic Council and a World Planning Authority. But the objectives of the plan are only dimly seen as supplying "the needs of the world's population on the basis of a planned rising standard of living and the desirability of producing the highest quality at the cheapest

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rate." The instabilities of the present economic organization are to be eliminated through control of prices, investment (including the location of industry), and credit. The author then turns to the machinery for organizing the planning with little reference to the nature of the problems to be faced.

Mr. Lawley will find many sympathizers with his comments upon the inadequacy of both intranational and international competition as the means to the reasonable utilization of the resources available to mankind. While they owe him a debt for the heavy labor he has undertaken in resurveying the boundary between planning and competition, they cannot but regret that he fails to provide a firm basis for further thought concerning an effort toward social control. They may feel ungracious, but they will be justified in their regrets.

ARTHUR ROBERT BURNS

The National Capital and Other Statistical Studies. By SIR JOSIAH STAMP. London, P. S. King & Son Ltd., 1937.—vii, 299 pp. 10s. 6d.

Sir Josiah Stamp's essays and addresses, presented in this new collection, are mainly concerned with the statistics of national income, profit and capital, a field in which the author has done pioneer work. Naturally the studies are of a highly technical character; the average reader would probably enjoy more the lecture, "Alcohol as an Economic Factor", which might induce him to be more on his guard against innumerable fallacies in the popular use of statistics. Presenting the result of lengthy studies in the form of addresses and articles has one disadvantage, compared with a systematic treatment: a considerable number of important questions are either not discussed at all or only touched in brief remarks. Moreover, Sir Josiah at certain times is more interested in the careful exposition of statistical methods than in the economic interpretation of the results. The reviewer would have welcomed, for example, an explanation of the curious fact, to be gathered from tables on pages 27, 30 and 31, that British business firms apparently held in 1928 about £170,000,000 of the national debt, but in 1935 less than half that amount.

No detailed discussion of the numerous problems in the statistics of the national income and wealth can be given here. Moreover, only the few economists who constantly are working on the problems of English national income would be able to take a definite stand concerning many of the technical questions discussed by Sir Josiah.

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However, in order to show the reader that the problems involved are not merely of a technical nature, but are related to fundamental economic concepts, two difficulties may be pointed out. The first arises in connection with Sir Josiah's method of estimating industrial capital by capitalizing net profit and interest; obviously, for times of depression when aggregate profits are close to zero, this method would give strange results, which are avoided in his calculations only by the fact that they are limited to the two prosperity years, 1928 and 1935. The ultimate reason for this paradox lies in the fact that business computes net profit not as interest on the estimated capital value (the logical correlative to Sir Josiah's capitalization principle), but on a cost basis, namely, as difference between gross returns, current costs and depreciation costs, where the depreciation costs represent the amount necessary to maintain the physical volume of the existing equipment. There is only one brief remark (p. 41), in which this difficulty is at least partly acknowledged.

The other point refers to the concept of "public income", which, strangely enough, is dealt with by Sir Josiah under the heading "duplication" (pp. 99 *et seq.*). Although otherwise personal services are acknowledged as components of national income, in addition to physical goods, at this place it is called "duplication", if the income of officials, paid out of the receipts of *personal* taxes, is added to the income of the taxpayers, since "there may be no corresponding increase in the total quantity of *physical* goods to be enjoyed" (italics mine). In the next sentence, however, the exclusion of official salaries is limited to the case of an "excessive number of civil servants." It shall not be disputed that the economist might reject the public salary bill as an ultimate standard for the economic value of the services performed by the officials. But why is this critical attitude made contingent upon the *kind of taxes* by which the necessary funds are raised? In fact the differentiation between the forms of taxation is unimportant for the measurement of *public income,* where only the nature and the economic value of governmental services matter; it plays a rôle, however, in determining the so-called "private income" of the nation. At least as long as the national income is supposed to be equal to the market value of the current net output, cost taxes (i. e., taxes that are deducted from the gross income out of which they are paid) must be included, despite Sir Josiah's misgivings (p. 105), as components of the national income along with wages, rent, interest and profits.

HANS NEISSER

UNIVERSITY OF PENNSYLVANIA

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Canada Looks Abroad. By R. A. MacKay and E. B. Rogers. London, Toronto and New York, Oxford University Press, 1938. —xx, 402 pp. $3.50.

The Canadians. By G. M. Wrong. New York, The Macmillan Co., 1938.—viii, 455 pp. $3.50.

Since this is the first systematic account of Canadian outlook and foreign policy, it is fortunate that it was developed under the auspices of the Canadian Institute of International Affairs. During the past ten years that organization has been intelligently active at various centers across the Dominion in planned group discussions, in the preparation and circulation of mimeographed studies, and in the publication of a few good books. The present volume, after having been worked up by its authors, was discussed in whole or in part by C. I. I. A. groups and by certain especially competent Canadians. The result is a strong recommendation for such coöperation.

As Mr. J. W. Dafoe points out in his Foreword, Canadian awareness of external problems and willingness to consider them is a very recent phenomenon, for it has emerged not so much from the War of 1914-18 and general recognition of Dominion status as from the recent collapse of the apparatus for peace by collective defense. Since then Canadians have been uncomfortable and, in thinking about their discomfort, have become conscious that they have not only to make decisions, but to accept responsibility for them. They and the authors of this book have naturally come to realize that foreign policy is an extension of domestic circumstances and interests. It is with the domestic bases of policy, therefore, that this business-like book begins, Part I (some 68 pages) being given over to geographical considerations, a description of the Canadian economy, Canada's commercial policy, and population problems. Part II (pp. 71-197) is a brief, but remarkably comprehensive history of Canadian external relations with the British Empire, the League of Nations, the United States, and other countries, American and non-American, concluding with a discussion of defense. Part III (pp. 201-245) consists of a systematic analysis of the conduct of external affairs, grouped about the governmental machinery, the exercise of parliamentary control, the anomalous position of the Dominion's treaty power since the Privy Council decisions of 1937, and the vexed problem of whether Canada could secure a position of neutrality in a British War. Part IV (pp. 249-324) then presents the alternatives in foreign policy,

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arranged for convenience under non-intervention (Canada's traditional policy of "no advance commitments" is her equivalent to "no entangling alliances"), a British front, and collective security. The Appendix contains over 60 pages of the relatively inaccessible key documents and a short working bibliography.

Although the book was presumably intended for Canadians, it avoids parochialism so successfully that it should be palatable as well as valuable to others. Since the first consideration of Canadian policy is friendly relations with the United States, it commends itself to American readers. It is compact and economical, yet detailed enough to be objective. In fact there seems no very good reason why it should not deserve to be the standard work of reference. In this light a few criticisms might be made. On the general side, it would add unity (at the risk of offending some Canadian readers) to cast it frankly in the terms of a thesis which is implicit in history and in most of this volume, namely, that Canada's "national interest" is to play off against each other the interests in her of Great Britain and the United States, economic, diplomatic, strategic, and so on. Certain particulars might also be briefly listed. Chapters i and xi reiterate the misleading image of the Canadians living in a narrow ribbon across the top of the United States instead of stressing the fact that over two thirds of them live south of the 49th parallel and most of these in a salient wedge deep in the heart of the United States. In chapter v the assertion that Borden's foreign policy was quite different from Laurier's seems misjudged, since historically the continuity from Laurier through Borden, King, Meighen and Bennett to King again is what is remarkable. In this connection the authors might find it valuable to look up a series of articles contributed to *The Globe* by the late W. S. Milner on the relation between defense and foreign policy. The account of Canada's share in terminating the Anglo-Japanese alliance (p. 81) loses point because it is not made clear that the decision to substitute a Pacific conference was made on July 1, 1921, and that Curzon began negotiations at once, whereas the invitation from Washington, received July 10, was not communicated to the Imperial Conference until the afternoon of the 11th. Finally, while it is a matter impossible at present to substantiate, it would have been desirable to mention, in connection with Canada's somewhat spectacular stands at the League on Manchuria in 1932 and on oil sanctions in 1935, the legitimate suspicion that the British Foreign Office was not without responsibility for a good deal of the confusion.

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Professor Wrong has taken a leaf from Sarah Gertrude Millin's book by writing for the general reader an historical introduction to present-day Canada. It is written in the agreeable descriptive manner for which he has been known for forty years, admirably illustrated by incident and marked by due stress on both European background and North American setting. Its proportions are a conscious or unconscious response to popular interest in the colorful past, for more than half of the book is devoted to the period before 1783 and thereafter the scale of treatment pretty well grows narrower with the years. No doubt this is owing partly to Professor Wrong's earlier concentration of interest, but the serious reader who wants his focus on the present will do well to use Alexander Brady's *Canada* (Toronto, 1932).

J. B. BREBNER

COLUMBIA UNIVERSITY

Labor in Canadian-American Relations. By NORMAN J. WARE and H. A. LOGAN. Edited by H. A. Innis. Toronto, The Ryerson Press; New Haven, Yale University Press; London, Humphrey Milford, Oxford University Press for the Carnegie Endowment for International Peace, 1937.—xxxviii, 212 pp. $3.75.

This is another volume which has appeared recently in the Canadian-American Relations Series prepared and published under the auspices of the Division of Economics and History of the Carnegie Endowment for International Peace.

The reader should perhaps be warned in advance that this book is not, as the title would seem to suggest, a study in international relations. It is not concerned with the influence of labor and labor organizations in the United States and Canada upon the course of the international relations between the two countries. It is, rather, a study of labor relations in Canada and the United States. The book falls into three parts, written separately by the three authors.

The introduction (26 pages) by the editor is broad in scope and purpose. It presents an historical survey of American influence on political and economic developments in Canada. The survival of union in the United States, for example, increased the necessity of union in British North America. Yet on the whole American influence on political movements has been indirect. The relations of labor in the United States and Canada, by contrast, have been immediate

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and direct. Financial support from the United States may be of importance in winning strikes in Canada. American branch plants extend to Canada labor policies developed in this country. Mr. Innis' introduction sets the two longer sections of the study in perspective. In treating the interrelations of labor in Canada and the United States he makes a real contribution.

The part written by Mr. Ware is "The History of Labor Interaction". He assures the reader that whatever "conclusions are arrived at will be found in the story itself." These conclusions are not very evident. Perhaps the material of the study does not readily lend itself to conclusions. Mr. Ware's object is, in his own words, "to describe the emerging likenesses and differences between the labor movements of the United States and Canada; the way in which American influences have crossed the International boundary, and what adjustments and reactions have resulted therefrom."

Mr. Logan's contribution, which constitutes the major portion (130 pages) of the entire book, concerns "Labor Costs and Labor Standards". He has collected an enormous amount of statistical information which he presents in numerous charts and tables. His purpose is to make a comparison of labor costs and labor conditions in manufacturing in the United States and Canada, with particular reference to four selected industries—boots and shoes, cane sugar refining, agricultural implements, and the motor car industry. His survey of "labor costs" is concerned with the productivity of labor in relation to labor time and labor expense to the employer. His study of "labor conditions", on the other hand, deals with the economic welfare of the workers in terms of purchasing power and working conditions. He has made no attempt to weave these two separate discussions into a single story, regarding it as impractical to do so.

Some of the conclusions which Mr. Logan reaches are highly interesting. His comparison of manufacturers' labor costs reveals that average money wages in the United States have been from 10 to 30 per cent higher than in Canada. During the present century the American worker has received 23 to 25 per cent more than the Canadian worker. While American wages are universally higher, there is a wide spread as between industries. In cane sugar refining, for example, the margin of American wage superiority is almost negligible. In the boot and shoe industry, at the other extreme, this margin ranges from 17 per cent to 50 per cent. The basis of the higher American wage, as well as American industrial ascendancy despite higher labor costs, results from superior productivity of labor

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in this country. The latter, in turn, "rests in the workers' association with larger equipment and its more regular and fuller use through the advantage of a great home market with concentrated purchasing power." Not only are wages lower in Canada; the cost of living is higher than in the United States. The superiority of real wages in the United States is, therefore, even greater than the superiority of American money wages. This is the explanation for the continuous emigration of Canadian laboring population to the United States. The large-scale advantages, which are mainly responsible for the higher real wages in the United States (the writer does not deny the importance of natural resources), are particularly striking in the heavy industries such as the motor car and agricultural implements industries. Hence a logical division of labor between the two countries would demand that heavy industries, especially those involving rapid obsolescence, should be left to the United States.

ROBERT B. STEWART

WASHINGTON, D. C.

Survey of British Commonwealth Affairs. Volume I: *Problems of Nationality, 1918-1936.* By W. K. HANCOCK. With a supplementary legal chapter by R. T. E. Latham. London, New York and Toronto, Oxford University Press, 1937.—xii, 673 pp. $8.50.

The Empire in the World: A Study in Leadership and Reconstruction. By SIR ARTHUR WILLERT, B. K. LONG and H. V. HODSON. Edited by E. Thomas Cook. London, New York and Toronto, Oxford University Press, 1937.—x, 323 pp. $3.50.

Each of these books is a competent contribution toward that reassessment of the British Empire made necessary by post-war experience and, in particular, by the developments of the years since 1929.

Professor Hancock presents the first of a two-volume survey. Prepared under the direction of Chatham House, it has evident affinities with the corresponding Toynbee volumes on international affairs. Thus it aims at detailed discussion of selected topics rather than an encyclopaedic treatment and it selects those topics not only because of their more obvious importance but also because they seem to the author to reveal the "inner meaning" of the British Empire. Professor Hancock, accordingly, combines an analysis of some specific problems of Empire with the statement of a theory or interpretation intended to explain the Empire as a whole. According to it, the vast conglomeration of territories and peoples, which we call the British

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Empire, may best be viewed as the "adventure of an idea", a great experiment in the art of "the government of men by themselves." This experiment is not merely British, nor merely European, but universal in its application. It makes unnecessary the distinction so commonly drawn between Empire and Commonwealth. "It is best to regard the British Commonwealth not as part of the British Empire, but as the whole British Empire, viewed in the light of this experiment. In this view, the British Commonwealth is nothing else than the 'nature' of the British Empire defined in Aristotelian fashion, by its end."

It is unnecessary to comment on this amiable thesis except to point out that the volume in which it is set forth has no adequate discussion of India, economic policy or the Dependent Empire. It may be noted, also, that the theory was advanced before Mr. Neville Chamberlain's demonstration of the art of the government of men by themselves, as applied to Czechs.

However incomplete its verification, Professor Hancock's "theory" is important in giving unity to his treatment of the problems of nationality in the first volume of his survey. These problems he examines under four aspects: dominion status, with emphasis on the search for a common policy in foreign and defense affairs; the place of the Irish Free State (which we must now learn to call Eire) in the Commonwealth; the Indian question, especially as illustrated in East and Southern Africa; and "The Medicine of the Body Politic", a heading under which are grouped such difficult areas as Newfoundland, Ceylon, Malta and Palestine.

A striking feature of this organization is the comparatively small attention paid to the older dominions. On one side this insufficiency is compensated for by the long supplementary chapter in which Mr. R. T. E. Latham portrays with succinct clarity some of the legal consequences arising from the constitutional development of recent years. For the rest there is a large and familiar body of literature on dominion status in its varied aspects. But Mr. Hancock's organization has a deeper justification than this. The experiment in the art of the government of men by themselves in which he finds the key to the Empire no longer has its crucial test in the older dominions. Great was the achievement of those who bridged successfully the gap between crown colony and dominion status, even in regions inhabited mainly by people of Anglo-Saxon stock to whom Britain was a spiritual home and membership in the British Empire a cherished ideal. But the post-war task has been to repeat that success among the alien

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and suspicious Irish, for whom "association" with Great Britain is symbolized by Cromwell and the Black and Tans. It has been a problem also of expanding the framework of the Commonwealth so as to include in its free and equal association not only Europeans but also the awakening peoples of Asia and Africa; and of securing for the principle of racial equality as faithful an observance between European and Indian and native in the internal government of Southern and East Africa as between English and French in the internal government of Canada. Is the Commonwealth ideal merely English, or merely European, or universal in application? The answer to that question lies not in the older dominions but in the experience of those communities upon which Professor Hancock projects his searchlight. The problems with which he concerns himself are key problems of the Empire today.

As an Australian now resident in England, Professor Hancock has an advantage over writers with a merely English or a merely dominion background. He is unfailingly impartial. He goes beneath the surface of legal and constitutional forms to the conflicts of economic interest, racial aspiration and nationalist passion that underlie. And with this realism of analysis he combines a skill in presentation that can at one time make clear the intricacies of policy in East Africa and at another convey to the reader something of the "feel" of the Irish Revolution and of the substitution of *de facto* Sinn Fein rule for nominal British authority. He is far from being a panegyrist of Empire. He is often exceedingly critical of British policy, especially as found in such an area as Palestine. And if he is more certain than the facts perhaps justify as to the goal toward which the Empire has been moving in the past, he can never muster up more than a subdued optimism when he seeks to forecast the further outcome of that development.

The shadows of doubt that now and then darken Mr. Hancock's pages are cast more deeply over those of *The Empire in the World*. The authors of this book seek to appraise what is being done and, so far as possible, to indicate what needs to be done to enable the Empire to survive in the present era. Sir Arthur Willert and Mr. Hodson first sketch in the background for this undertaking with a short survey of contemporary world conditions. Mr. Long then describes constitutional developments and problems; Mr. Hodson contributes a section on imperial economics, and Sir Arthur Willert a concluding section on foreign policy. In spite of an inevitable sketchiness of treatment, the book as a whole is very competently done.

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Mr. Long's section, perhaps, loses something in effect because of the greater familiarity of the material with which he deals. On the other hand, the reviewer knows of no better introduction to the economics of the Empire than that of Mr. Hodson and of no more discerning analysis in similar compass of the problems of foreign policy than that given by Sir Arthur Willert.

Both Mr. Hodson and Sir Arthur Willert are not only discerning but devastating. "Ottawa", says the former in a typical sentence, "merely substituted a joint muddle for a set of individual muddles," a judgment from which one passes without surprise to the record of indecision and fumble which is to Sir Arthur the essence of recent British diplomacy. Anyone who reads the two books here under review will derive from them a heightened sense of the contrast between the tremendous tasks facing British statesmanship in almost every sphere and the feebleness with which that statesmanship now seems to act. Perhaps the Empire will take its place with those prehistoric animals whose overdeveloped bodies and underdeveloped brains marked them for certain extinction.

THOMAS P. PEARDON

BARNARD COLLEGE

Ireland and the British Empire, 1937: Conflict or Collaboration? By HENRY HARRISON. London, Robert Hale and Company, 1937.—xi, 356 pp. 10s. 6d.

Modern Ireland. By CICELY HAMILTON. New York, E. P. Dutton & Co., 1936.—xiii, 239 pp. $2.75.

A conspiracy of silence is difficult to prove but there is little doubt that Mr. Harrison's presentation of the Irish case and plea for collaboration will be news to American and British readers, though some of the salient points of his argument have been presented to the Irish people and to the British leaders. The Sinn Fein War was brought to its conclusion by British and American public opinion as well as Irish arms. But since 1921 the Irish case has had a bad press and the public outside of Ireland has lost interest, thus leaving unrestrained the British conservative leaders who have maintained an active interest in affairs across the Irish Sea. These British conservatives, finding a way to win in the peace the battle they lost in the war, tried to withhold the full measure of independence which the Irish thought they had won, says Mr. Harrison.

The legal arguments in the Irish case presented by the author are tedious and involved, but they will repay the necessary labor of

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following them for they demonstrate the devices which were available to the British conservatives in the absence of an informed public opinion in Britain. In the interest of immediate peace in 1921 both the Irish and British leaders avoided some issues in order to reach a settlement, and in the succeeding years Cosgrave's political weakness forced him to continue avoiding issues and embarrassed him in his demands for the full measure of Irish rights under the Treaty of 1921. The Irish Free State government assumed it possessed the same dominion status as Canada, but learned that there were qualifications in the official British mind and that the Irish Free State was not expected to share in the extensions of independence later granted to Canada. Efforts were even made to prevent the extension of the Statute of Westminister to Ireland, says Mr. Harrison. When the legal armory of the British government fell before the weight of President de Valera's persistence and the dominions came to the aid of the Irish, the British conservatives converted the land annuities dispute into an economic war, thus resorting to coercion. Mr. A. B. Keith agrees with the author that the question of land annuities was wholly secondary to the question of the status of the Irish Free State in the Commonwealth.

Mr. Harrison's political argument is much more impressive than his legal one. In a book written for British readers the author is too tactful to state the argument as a threat, but he impressively cites Ireland's past services in time of war. The implications of the argument are freely voiced in Dublin. If Britain goes to war, or finds herself in an acute diplomatic crisis, a few thousand men in Ireland using Sinn Fein methods will be able to immobilize a substantial part of the British army and cut off the supplies of men and food which Ireland might otherwise furnish. Moreover, if Mr. de Valera does not lead such a movement it will rise to plague him as well as the British government. On such a ground Ireland has won her whole case with the exception of the demand for the union of the North and the South and even that demand is nearer fulfillment than ever before.

The Irish of the South are acting upon the assumption that the masses of the people in the six counties do not really support the Craigavon government. Surely the repressive measures used in the North lend weight to such a view, but Mr. Harrison points out further that the Craigavon government and its policies have been heavily subsidized by the British government and consequently a withdrawal of British support might lead to a more moderate attitude

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in Protestant Ireland. Mr. Harrison might have added that these same financial powers may be used to influence the North toward eventual union with the South, particularly since a joint solution of defense problems will involve the expenditure of money.

Miss Hamilton's book is distinctly journalistic and shows much insight into Irish affairs, but the publisher's description of the study as "analytical" is hardly warranted. In the light of her description the conclusion of the 1938 Treaty represents a reversal of policy. The return to the economic orbit of Britain must be followed by a return to the cultural orbit of Britain as well, with serious damage to those with a vested interest in Irish nationalism. Such a reversal of trend would be continued still further in the union of the North and the South. Large numbers of the new industries developed in the Irish Free State under tariff protection have more to fear than to gain by sharing their market with Ulster. To Miss Hamilton's discussion should be added the point that the Roman Catholic hierarchy can hardly prefer a united Ireland with a vigorous Protestant minority in contrast with the present position in a state almost solidly Roman Catholic and governed by a constitution drafted in accordance with clerical views. The union of all Ireland must, as Sean McEntee has said in connection with the ratification of the 1938 Treaty, wait upon a closer union in feeling between the two sections.

WARNER MOSS

COLLEGE OF WILLIAM AND MARY

Britain in Europe, 1789-1914: A Survey of Foreign Policy. By R. W. SETON-WATSON. New York, The Macmillan Co.; Cambridge, at the University Press, 1937.—ix, 716 pp. $9.00.

This volume was written, the author states, in order to satisfy his own need for a survey of British foreign policy during the period since the French Revolution. As first planned, however, it was to begin with Canning in 1822 and to end with Gladstone's ministry in 1874. Such a delimitation is indefensible, even on the ground of expediency or personal interest. Being concerned with the salient problems in British foreign policy, the author wisely added two introductory chapters, two chapters on Disraeli, and an inadequate hundred pages on the pre-war period. The result is far from satisfactory; but the volume is the best in the field.

Seton-Watson makes no claim to originality, for he has relied mainly on the works of Webster, Temperley, Bell, and other authori-

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ties. Of this vast monographic literature he is a master; and he quotes or paraphrases extensively apt and suggestive passages from official and private correspondence, speeches and parliamentary debates. To a degree somewhat unusual among British historians treating topics in British history, he has consulted European and American authorities. Much attention is given to the influence of domestic politics and to the rôle of Queen Victoria; but in other respects the background is summarily sketched, and the forces shaping the conduct of statesmen are not clearly analyzed. In short, here is diplomatic history of a high order, a volume at once learned, detailed, marked by independence of judgment, and done in the style characteristic of the best British historical work.

It is but natural that Castlereagh and Canning should be deemed worthy of high praise. Although Castlereagh is accorded only thirty pages, he is considered one of the greatest British foreign secretaries, a man of broad outlook and vision, an advocate of the conference method in diplomacy, devoting his efforts to solving Europe's problems without resort to war. Of even greater stature was Canning, who sought the guidance of liberal public opinion and associated himself with the struggles for liberty, nationality and progress throughout Europe and the Americas. A more objective appraisal of British policy in the questions of Portugal, the Spanish colonies, and the nationality issues might result in a less flattering estimate of Castlereagh and Canning.

Nearly half the volume deals with the era of Palmerston, a period when Great Britain, more than at any other time, played an active part in continental politics and was seldom thwarted. In many respects Palmerston was typical of Victorian Britain; and the author, following the trends of recent scholarship, finds much to criticize in his methods and in some of his policies. The guarantee of Belgian neutrality and independence was his greatest accomplishment, and coöperation with France his soundest principle. But he retarded the emancipation of the Balkan peoples, misconstrued the attitude of Russia, and left a tradition of unreasonable interference in European questions to which continental and British opinion alike reacted unfavorably. In harmony with British practice, he was reluctant to risk war over Eastern European issues, such as that of Poland. The chapters concerning him are among the best in the book.

Disraeli, despite his handling of the Near Eastern question, is given credit for restoring Great Britain to her rightful place among the powers of Europe and for stimulating that colonial and imperialistic

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expansion which the author believes was necessary for the furthering of British interests. Among his successors, Salisbury and Grey were men of the first rank. Here Seton-Watson assumes a narrowly British viewpoint; he finds that British statesmen of the pre-war period seldom made errors. The World War was unavoidable, he thinks, because of Germany's refusal to make a satisfactory naval agreement. He does not discuss the events of 1914. This is the weakest section of the volume.

Concluding his survey, Seton-Watson pauses to describe the main features of British policy. He believes that peace in Europe has been a primary concern of British statesmen, who adhered to the balance of power idea as a guarantee against continental strife. Dependent on naval power for imperial and national security, they would admit no challenge to British naval primacy. Several areas, notably those of Belgium and Holland, the Mediterranean, and the Near East, were of basic importance. In general, the British have steered a middle course between intervention and non-intervention in Europe. In the conflicts between ideologies, they likewise have occupied middle ground; and today Britain stands for adaptable representative institutions and wants peace for the sake of her world-wide interests. "The lesson of the 19th century is her readiness to collaborate with any country irrespective of political creed or system, but not at the expense of her own free institutions, and only on a basis of international peace and co-operation." Would the lesson appear different to a student less enamored of British institutions?

G. LEIGHTON LAFUZE

JOHN B. STETSON UNIVERSITY

Les Idées Traditionalistes en France de Rivarol à Charles Maurras. By ALPHONSE V. ROCHE. Urbana, University of Illinois Press, 1937.—235 pp. $3.00.

France Faces the Future. By RALPH FOX. New York, International Publishers, 1936.—135 pp. $1.25.

France is a country which has always given the outside world a double and contradictory impression of its history: it is the most revolutionary and also the most conservative of nations. It has theorized equally about both attitudes toward life and the result is that in France itself, and not only outside, an appeal to the "characteristic French outlook" may mean the barricade or else the *ancien régime,* the Red Terror or else the White. Already in the days of

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Louis XIV, who symbolizes for modern radicals the *ancien régime,* the Duke of St. Simon and the Comte de Boulainvilliers were complaining that the monarchy was a revolutionary usurpation. They looked back to a still more ancient régime when the dukes and peers ruled France aristocratically and "tyranny was unknown".

However the facts may have been, modern reactionaries and royalists have within the last 150 years concocted a series of doctrines designed chiefly to blast the credit of the 1789 revolution and to base on old national traditions an order which the designers would in most cases establish by force. It is these theories that Professor Roche has admirably treated in a volume at once brief and scholarly, well written and dispassionate. Conversant as he is with French history and French literature, he is able to sympathize with the aspirations of even the most rabid anti-revolutionists, without in a single instance being led to accept their frequent historical fancies for facts. The treatment of Maurras is particularly brilliant and is a good antidote, for the student of contemporary France, against the equally insane adulation and detraction of the man (now a staid academician) and his vociferous group. Positivism, Romanticism and the Determinism of Taine and his school are also "placed" by the author with accuracy and a delicate sense of nuance.

On one point only does Professor Roche's work seem open to criticism. He seems to accept as sound the contention of Dimier and other royalists that Balzac was a "traditionalist". This has so often been said and left unchallenged that it would require a monograph to refute it. But basing oneself on Balzac's *Du Gouvernement Moderne* (published by Lovenjoul in the *Grande Revue* for December 1900) and interpreting in the light of Balzac's whole tendency the political comments scattered in the novels, one could make a clear case for his having been an "intellectual aristocrat", like Gobineau, and not at all a monarchical reactionary. He accepted 1789; he knew "legitimacy" to be an absurd fiction, though a useful one; he granted the possibility of small republics; he wanted civil liberties and legal equality; he admired Napoleon and the doctrine of "career open to talent." He favored a proportional representation of wealth and of ability. He was, in short, disqualified for the *Action Française,* who have read and confiscated him on insufficient evidence.

In writing of the future of France, Mr. Ralph Fox (a British journalist who, I believe, was killed in Spain) appeals to the contrary French tradition, and in so doing implicitly raises the puzzling question: Is not the French Revolution, after 150 years, as legitimate

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an historical tradition as Louis XIV, the Church, the peers, Clovis' and Caesar's conquests? A nation's past history is in effect an excellent guide to present social reform, but it is no absolute rationale for what to do next.

Mr. Fox's perspicuous treatment of political and economic problems in modern France, though originally written in 1936, still stands at the beginning of 1939, which is a tribute to his power of selecting facts and his philosophic grasp of realities. When it comes to a program, Mr. Fox's faith in political action, and particularly in action through the Communist party, strikes one as a sudden and overconfident narrowing of a whole stream of tendency to a funnel-like point. The ill-success of the Popular Front shows that even coöperation with a near-majority of the whole nation brings about no tangible reform in the teeth of modern economic difficulties. The Communists can blame their allies rather than their opponents for the failure, but that is mere politics: what could be done by a still smaller segment of the French electorate is hard to see in the light of Mr. Fox's own historical evidence. It suggests in fact the same disproportion that applies to the other minority, the royalists and ultra nationalists described by Mr. Roche, who are further disqualified by their lofty contempt for economic thinking.

JACQUES BARZUN

COLUMBIA UNIVERSITY

Malaysia: A Study in Direct and Indirect Rule. By RUPERT EMERSON. New York, The Macmillan Company, 1937.—xii, 536 pp. $5.00.

French Indo-China. By VIRGINIA THOMPSON. New York, The Macmillan Company, 1937.—517 pp. $5.00.

Authoritative and scholarly literature dealing with the general subject of imperialism is legion, but until recently investigations of the forces at work in southeastern Asia have been few. Therefore, a genuine need has been met by the labors of Professor Rupert Emerson of Harvard University, who has handled in masterful fashion the complicated political conditions existing in British Malaya, together with its Crown Colony and its nine protected Native States. The author also examines the various systems of indirect rule utilized by the Dutch in their island empire.

Malaysia is an excellent interpretative survey of the nature of the problem, the historical background, the British "forward movement", the Federated Malay States, the Unfederated Malay States,

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the Straits Settlements, Malaya today, the Dutch "forward movement", and the indirect rule of the Dutch in the Netherlands Indies.

It is clearly shown in these pages that no colony is nurtured in the interest of the colony itself and that colonial governments never end or restrict the "legitimate" activities of the home business groups and investors. The thought the author expresses in regard to a brighter future for these peoples, now pawns in the fingers of white players, includes the statement that "it is possible to assert that had Malaysia been left to its own devices its advance into modernism and industrialism would have been swifter and more acceptable than it has in fact been under a Dutch and British domination . . . for the Malay peoples imperialist governmental intervention has served on the whole to protect them against grosser abuses than have in fact been inflicted upon them in recent decades and that in many respects this intervention has served . . . as a necessary bridge from Malaysian medievalism to the modern world" (p. 483).

This realistic reflection of Professor Emerson's should be pondered by those sentimentalists who are anxious to evacuate regions conquered by their military and thus brought into the orbit of international diplomacy.

Miss Thompson, in her readable *French Indo-China,* also has made a valuable contribution to the study of colonial policies and problems. This book, published for the American Council, Institute of Pacific Relations, is a factual reconnaissance of the general features of Indo-China today, suitable for the reader who desires to obtain information on this little known part of Asia. The civilization of Annam is discussed in terms of government, justice, culture, art, medicine and religion. The administration is broadly pictured for each section of the country and economic aspects are given adequate emphasis. The most important parts of this book, for the person unacquainted with Indo-China, are the chapters dealing with the contacts between the natives and the French, the people of Indian culture, and the reactions of the Indo-Chinese to the programs of the French. It will be disappointing for the scholar in the field not to find page references and a critical bibliography. This minor defect, however, will be forgotten by the anti-imperialist who will subscribe to Miss Thompson's final statement that "save in the economic sphere the balance sheet of French Indo-China up to now has registered on both sides more destructive than constructive changes" (p. 494).

THOMAS E. ENNIS

WEST VIRGINIA UNIVERSITY

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Soviet Trade and Distribution. By LEONARD E. HUBBARD. London, Macmillian Company, Limited; New York, The Macmillan Co., 1938.—xiv, 380 pp. 12s. 6d.; $5.00.

Mr. Hubbard has brought to his study of *Soviet Trade and Distribution* the same insight, restraint, soundness of judgment, and knowledge of Russian conditions that characterized his earlier volume *Soviet Money and Finance.* His remarkably compact and readable survey not only gives an excellent outline of the involved history of the Soviet trade policies but also throws much light on some of the most obscure and elusive aspects of communist economics, such as prices, costs, profits, real wages, the position of the industrial workers and of the farmers. Mr. Hubbard bases his analysis on Russian sources and brings out very clearly the formidable difficulties that confront every student of the economic conditions in the U.S.S.R.: the inadequacy and often the complete absence of even the most essential statistical data which one would expect to be the very foundation of a planned economy. The author rightly points out that this lack of basic information must be at least in part responsible for the many vagaries in the fulfilment of the First and Second Five Year Plan. It may be permissible to surmise that the same deficiency is not altogether alien to the failure of the Soviet government to produce the Third Five Year Plan, which is long overdue.

No less disturbing to those who make an earnest attempt to penetrate behind the noisy front of communist propaganda and official optimism is the distressing variety of administrative organs dealing with every branch of Soviet economic life and the continuous rebuilding of the institutional structure. Of this *perpetuum mobile* the history of Soviet trade methods offers an illuminating example. Mr. Hubbard examines with truly admirable patience and skill the various stages of its tortuous evolution from the beginnings of the Bolshevik régime to the completion of the Second Five Year Plan. He offers an interesting analysis of the principles and practice of planning and a comprehensive discussion of the methods by which the Soviet government obtains supplies of grain from the collective farmers.

Mr. Hubbard's conclusions are pessimistic and at variance with the glowing picture of success that emerges from the eloquent pages of Beatrice and Sidney Webb. The author finds that far from removing the evil of depressions the economic history of the Soviet Union since the introduction of planning "has been a succession of crises. . . . If planning is immune from some of the defects of capitalism, it seems to possess peculiar faults of its own."

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"The Bolsheviks have been in power for twenty years", writes Mr. Hubbard, "and, if the first few years were occupied in restoring order out of chaos, they have had at least fifteen years in which to prove their theories. The results from nearly every viewpoint have been disappointing, only in the creation of many large industrial enterprises has any remarkable progress been made; and these are means to an end and not ends in themselves. The industrialization of the country has been carried out at a cost of much privation and distress to the present generation, and whether future generations will reap a compensating benefit remains to be proved. There are many economic problems that Soviet Socialism has still to solve before it can triumphantly claim superiority to all other existing systems."

Those few of Mr. Hubbard's readers who are familiar with the Russian language will regret his perhaps too parsimonious reference to sources, justified as it is in a volume written for the English-speaking public. One inaccuracy should be noted. Mr. Hubbard is in error when he writes that prices paid to the farmers for compulsory deliveries of agricultural produce are not published (p. 291). They actually appear in an official publication *Biuleten po khlebnomu delu,* which, however, is not readily available abroad.

MICHAEL T. FLORINSKY

COLUMBIA UNIVERSITY

Proceedings and Debates of the British Parliaments respecting North America. Volume IV: *1728-1739.* Edited by LEO FRANCIS STOCK. Washington, Carnegie Institution of Washington, 1937.—xxvii, 888 pp. $5.25.

This volume continues a series planned more than thirty years ago by the late Dr. J. Franklin Jameson, of which the first number appeared in 1924 and was noticed in this journal (XXXIX, 618). Volumes II and III were published in 1927 and 1930; the present issue comes down to 1739, and the plan calls for continuance of the series to the close of the War for Independence. The American material in the parliamentary proceedings naturally increases as the series proceeds. The first volume covered the seventeenth century to 1689, with a very few sixteenth-century items; the next two brought the record to 1727, a little less than forty years farther; and the fourth, much larger than any of its predecessors, covers about twelve years, with more than half the space given to the last two. Since parliamentary concern with the colonies increased as the Revolution approached, subsequent volumes will have to be on a still

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larger scale. Though the proceedings of the Scottish and Irish parliaments are included in the plan, they have not required much space. The Scottish record was brought to a close with the Act of Union, in 1707. The Irish proceedings in Volume IV account for a scant twenty pages in a total of more than eight hundred, and are chiefly concerned with abuses in the transportation of emigrants.

As in earlier volumes, the bulk of the material is drawn from the journals of the Commons and the Lords, supplemented for the debates by unofficial reports from various sources, chiefly from Cobbett's *Parliamentary History*. The editor's scholarly introduction includes a critical discussion of Cobbett's sources, and of contemporary reports, whether printed or in manuscript. Important for Anglo-Spanish relations is the Egmont diary; and some notes by French observers have been taken from the Paris archives. The painstaking annotation contributes much to intelligent use of the text.

The subject which bulks most largely in this volume is the controversy with Spain culminating in the war of 1739, popularly known as "the War of Jenkins' Ear". More than half the space is given up to this subject, including the violent attacks on Walpole's cautious policy, numerous petitions, and parliamentary hearings at which merchants and ship captains presented their grievances against the Spanish colonial authorities, with complaints of outrages, real or alleged, inflicted on British seamen by the *guarda costas*. Some readers will be disappointed not to find more about the famous Robert Jenkins, master of the brig *Rebecca,* who was summoned to give testimony in the House of Commons, and whose cropped ear figured conspicuously in contemporary discussion, as well as in the narratives of later writers. One speaker in the House of Commons did, however, denounce "the Spanish pirate who cut off Captain Jenkins's ear" and was yet allowed to live, "a living testimony of the cowardly tameness, and mean submission of Great Britain, and of the triumphant pride, and stubborn haughtiness of Spain" (p. 763).

Other important parliamentary proceedings recorded in this volume are concerned with the Molasses Act of 1733; the enforcement of American debts to British merchants; the restriction of colonial hat-making; the limitation of iron manufacture, proposed at this time but not enacted until 1750; the concession to South Carolina planters permitting rice shipments to European ports south of Cape Finisterre; and the question of parliamentary grants in aid of the new Georgia settlement. These records were, of course, for the most part avail-

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able in print; but the present series will be extremely serviceable to students by making available in easily usable form pertinent material which must otherwise be laboriously extracted from the older collections. They will be grateful also for the explanatory and critical notes now supplied by the editor, as well as for the excellent index.

EVARTS B. GREENE

Prices in Colonial Pennsylvania. By ANNE BEZANSON, ROBERT D. GRAY and MIRIAM HUSSEY. Philadelphia, University of Pennsylvania Press, 1935.—xix, 445 pp. $4.00.

With meticulous care, the authors have assembled the prices of important commodities in the Philadelphia area month by month for the period from 1720 to 1775. Some of the goods studied are American products for export such as wheat, corn, tobacco, rice, beef, pork and turpentine; imports from the West Indies, such as sugar and molasses; and European products such as salt, gunpowder and Madeira wine. Ten chapters are devoted to the analysis of the price fluctuations of individual commodities. On the other hand, goods of a purely domestic character receive but slight attention for the reason that continuous records of prices of such goods in the eighteenth century seem to be practically unobtainable now. This volume throws a flood of light on the fluctuations of prices of commodities which entered into international trade, but gives little information on goods subject mainly to local influences.

Toward the end of the book is an illuminating chapter on sterling exchange rates and another containing general indexes of commodity prices for this period. Two main indexes were computed: an unweighted arithmetic average of price relatives of twenty commodities, and an unweighted geometric average of these same price relatives. Satisfactory weights for index number purposes were unobtainable. To get statistics of consumption was out of the question; import and export statistics were unsatisfactory; and, of course, fixed weights would have been inaccurate for one segment of a fifty-five year period even though accurate for another portion of it. In default of adequate weights, the authors decided to compute unweighted indexes. "Any weighting would have been arbitrary," say the authors, "and . . . we feel justified in being equally arbitrary in assuming that each of the twenty commodities typified groups of somewhat equal value." By a judicious selection of commodities, a solution for the weighting problem was found.

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Within the range of the data available, it is possible to observe price fluctuations arising from difficulties with transportation, from seasonal, cyclical and secular causes. Concerning the well-marked cyclical swings, the authors remark: "To contemporaries, such price changes appeared to be the result of crop conditions at home or unusual demands from abroad. Their recurrence was never noted. Although we have pointed out the swings in the price of related commodities, we can offer no more adequate explanation than those proposed by modern business cycle theorists." An opinion expressed in such a scholarly volume as this must be taken with respect; but it is fair to ask: Which theories of which theorists? In a period in which currency, banking, the process of investment, and the techniques of business were somewhat different from those of today, one cannot assume that present-day cycle theories are necessarily applicable.

The thoroughness, wealth of detail, technical skill, and scientific candor of this study will command the respect of all who use it. Economists and historians alike will find it an invaluable aid to the study of the period from 1720 to 1775.

WALTER B. SMITH

WILLIAMS COLLEGE

Peaceful Change: An International Problem. Edited by C. A. W. MANNING. New York, The Macmillan Company, 1937.—viii, 193 pp. $2.50.

Recent spectacular successes in effecting changes of boundaries by threats of force have brought out the deplorable weakness of the existing international machinery for altering the status quo peacefully. This problem is central to the whole question of war and peace. It has been made the subject of a number of investigations lately, especially in connection with the International Studies Conference in Paris in 1937. The present volume is a collection of lectures delivered at the London School of Economics in 1937 by eight British authorities, including two historians, two economists, a colonial expert, a philosopher, an international lawyer and a political scientist.

The two historians, C. K. Webster and Arnold Toynbee, are not very optimistic over the immediate possibilities of developing orderly processes of change. There have been many alterations of the status quo without actual resort to force, but in most cases the force was there and doubtless would have been used if the weaker side had not

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given way. This is peaceful change, to be sure, but hardly of a kind that offers a solid foundation for an enduring peace.

The economists, L. C. Robbins and T. E. Gregory, are not much more encouraging. Both of them agree that the economic problems of the dissatisfied states cannot be solved merely by changes in territorial boundaries. The root of the difficulty, in their view, is not in inequality of territorial holdings, but in the prevalence of discrimination on a national basis. The only way out, they say, is the total abandonment of restrictionist policies blocking international trade. This practically amounts to saying that at present there is no way out.

The most original contribution to the symposium is Karl Mannheim's consideration of the psychological aspects of the problem. He gives an interesting analysis of the process whereby a highly industrialized state suddenly becomes an aggressive one bent on extensive changes in the status quo. In his view, if those who desire peace are to accomplish anything, they must stop being vague and sentimental about the psychology of the masses and must make use of current knowledge of human behavior in the same manner as do the devotees of force.

The contribution of legal theory to the subject is in the capable hands of Professor H. Lauterpacht. The problem of peaceful change is for him simply the question of whether the world is ready for an effective international legislature. In his view, a legal system which fails to provide such an institution bears within itself the germs of its own destruction and, what is worse, is an incentive to violence. If an international legislature is impossible and unacceptable, then peaceful change as an institution is impossible and unacceptable.

However, Professor Manning, in the final lecture, insists that the situation is not quite so hopeless. Nations frequently acquiesce in compromises effected by existing institutions and in "interpretations" that avoid the resort to force. In his view, peaceful change need not be regarded as an all-or-none matter. Improvements here and there in existing institutions might go a long way toward removing many threats to peace, even though the world is not yet ready for a world state.

The book is informative and easily read, but one lays it down with the feeling that current thinking about the problem has not yet reached a very fertile stage.

FREDERICK SHERWOOD DUNN

YALE UNIVERSITY

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Japanese Expansion on the Asiatic Continent: A Study in the History of Japan with Special Reference to Her International Relations with China, Korea, and Russia. By YOSHI S. KUNO. Vol. I. Berkeley, University of California Press, 1937.—xvi, 373 pp. $4.00.

This volume is the first published product of the Northeastern Asia Seminar of the University of California. The seminar itself is an attempt at coöperative researches by members of the faculty representing the Departments of Economics, History, Political Science, Oriental Languages and Slavic Languages. The plan of publication is under the general editorship of Professor Robert J. Kerner.

In the present volume Professor Kuno, sometime chairman of the Department of Oriental Languages in the University of California, presents the story of Japan's continental expansion from the earliest times to the collapse of Hideyoshi's Korean campaigns at the close of the sixteenth century. The projected second and third volumes will cover respectively the periods of 1600 to 1868 and 1868 to 1932.

Judging by this first volume, the completed study will represent one of the most ambitious undertakings in English on a single phase of Japanese history. In usefulness it should rank with such works as the English abridged translation of Takekoshi's *Economic Aspects of the History of the Civilization of Japan.* In no single volume in English will the Western student find so detailed or so critical an account of Japan's youthful growing pains.

Professor Kuno has organized his subject in four main divisions: (1) the earliest national expansion of Japan ending with the seventh century A. D. during which various Korean kingdoms recognized the overlordship of Japan; (2) the unification of Japan under the Minamoto shoguns and the defense of the country by the Hojo regents against the Mongol invasions of the thirteenth century; (3) the so-called "Dark Ages" under the Ashikaga shoguns (1338-1573) when Japanese pirates ravaged the coasts of China and Korea, and when shoguns such as Yoshimitsu recognized in theory at least the overlordship of the Ming Emperors; (4) finally, the national unification of Japan under Nobunaga and Hideyoshi together with the latter's plan of Asiatic conquest and his actual invasions of Korea.

In presenting his narrative, Professor Kuno has relied almost exclusively on Japanese, Chinese and Korean documents supplemented by the researches of Japanese historians. In fact one of the most

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valuable parts of the book is the twelve-page annotated bibliography giving critical comment on outstanding historical works of modern Chinese and Japanese scholarship. Almost half the volume is devoted to translations of key documents from the Chinese, the Korean and the Japanese. The results of special researches by Japanese historians are likewise included in this section.

While conceding freely the major contribution which Professor Kuno has made to Occidental students, the reviewer cannot but regret deficiencies in both style and organization. The text is dull and wordy. Needless repetitions in statements of fact and in the presentation of conclusions might have been avoided by more careful editing. Furthermore the organization of the entire volume leaves much to be desired. The reader must turn to one section of the book to find footnote citations, to another for documentary materials, and to still a third for footnotes to documents. Since these materials bear so closely upon the monographic text it is to be hoped that in future volumes footnote citations may be given on the page on which they occur and the documentary material at the end of each chapter.

PAUL H. CLYDE

DUKE UNIVERSITY

The Diplomatic History of Georgia. By JOHN TATE LANNING. Chapel Hill, The University of North Carolina Press, 1936. —xiv, 275 pp. $3.50.

Professor Lanning has here turned his attention to a significant but neglected field of American history, namely, the American aspects of European diplomacy prior to the American Revolution. His particular interest is Georgia, one of the stakes of Anglo-Spanish diplomacy for several important decades. This phase of American diplomatic history is to be found nowhere else in print; Mr. Lanning has exploited the hitherto untouched mine of documentary material in the Spanish archives, and the better-known resources of the British Museum and the Public Record Office.

The diplomatic history of Georgia revolves about the justifiable complaints of Spain, both in Europe and on the American scene, against the British colonization of Spanish soil. These complaints were coupled with others induced by the activities of British dyewoods cutters on the coast of Central America, and were reciprocated in the loud British protests against the interference of Spanish *garda costas* with British vessels in Central America seas. All might yet have been well, under the "Convention of the Pardo" (1739), had

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it not been for the peculiar exigencies of British politics which forced the peace-loving Walpole's hand. To all intents and purposes, the book ends with the War of Jenkins' Ear.

It is a rather curious fact that Georgia was hardly mentioned in the Anglo-Spanish diplomacy of the period after the peace of Aix-la-Chapelle. Perhaps, in the era of good feeling attending the demise of the *Assiento,* the two countries wished politely to avoid such a disagreeable subject. Yet there was plenty of discussion of Honduras and the *garda costas,* and even of the claim of Spain to a share in the Newfoundland fisheries. In any case, the diplomatic history of Georgia, at least in the colonial period, ends with the cession of Florida and Louisiana to England at Paris. Professor Lanning says practically nothing to complete this last chapter of the story, and the diplomatic aspects of the Georgia question from 1748 to 1763 remain yet to be explored.

In its more mechanical features, this monograph leaves a great deal to be desired. The style is dull; at times, the narrative becomes hardly more than a summary of unimportant diplomatic documentary exchanges (chap. v, for example). There are a number of needless and confusing repetitions (notably with regard to the Sanchez-Oglethorpe agreement of 1736, pp. 47, 52). The Treaty of Paris, 1763, was *not* made on 3 November, 1762; it was signed on 10 February, 1763, and ratified on 21, 23, and 25 February by England, France, and Spain respectively (p. 234). The War of Jenkins' Ear was *not* "as significant as any in the eighteenth century" (p. 181). The author has nothing to say about the negotiations preceding the Treaty of Seville, 1729, and seems to have missed entirely the Franco-Spanish agreement of 1743 specifically to destroy the colony of Georgia. As a matter of fact, Professor Lanning has almost completely neglected the French archives throughout.

On the whole, however, this is a commendable excursion into the field of the diplomatic history of America prior to 1763. It is to be hoped that more scholars may go and do likewise.

MAX SAVELLE

STANFORD UNIVERSITY

The Memoirs of Sir Ronald Storrs. New York, G. P. Putnam's Sons, 1937.—xviii, 564 pp. $5.00.

Among the post-war autobiographies and memoirs this work by one of the most learned public servants of the British Empire can easily claim a very high place. As a documentary work bearing

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upon the various phases of Egyptian history, Arab nationalism, Zionism and the Cypriot Greeks, its value for the student is very considerable; and as a candid but extremely charming account of the career of a man, who did more than his share in the maintenance of an heritage, it is a work of unquestionable literary value.

Sir Ronald seems to be quite aware that his readers are not so much interested in his personal life as they are in the historic events connected with his career. Consequently only a small portion of the book is made up of personal history, the remainder being "depersonalised official extracts from a lost diary." The first chapter takes us from 1881 to Pembroke College (Cambridge), where he "was awarded a reasonably good first" in Classical Tripos in 1903. In addition, there he acquired a working knowledge of French, Italian and Arabic. Small wonder that in the following year he was chosen to fill a minor clerical post (in the Ministry of Finance) in Lord Cromer's Egyptian administration. Subsequently he became Secretary of the Mines Department, where he enjoyed his work "about as much as the Athenians did theirs in the quarries of Syracuse," and then was made Inspector of the Customs Department, in which capacity he developed "a negative, precautionary virtue" and "a Customs conscience." Thus prior to his becoming Oriental Secretary to the British Agency in Egypt (in 1907) his work was more or less perfunctory. But from then on it became of utmost importance, and the rôle he played there during the ten years was second only to his successive chiefs. In 1916 he became Political Officer in Mesopotamia, and a year later was made Military Governor of Jerusalem. That delicate and difficult post he held until 1926. In the meantime Cyprus was raised to the status of a crown colony and Sir Ronald became its first governor. At the end of his six years' service there, and after the Cypriot disturbances of October (1931, when the Government House and the Governor's "collections" were burned by the mob), the Home Government offered him the governorship of Northern Rhodesia in 1932. But one who had already given twenty-eight years of his life (he was just past fifty then) could not endure the tropical heat; two years at his latest post cost him his health.

The wandering scholar and the leisure-class tourist, the retired diplomat and the consular official, have added so much to the already available literature on the Near East that it has become well-nigh impossible for one to know it all. For a decade or more the reviewer has tried to read the "best" volumes in a number of languages.

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And he is pleased to record that no one (with the rare exceptions of Professor Toynbee and Mr. Harold Nicolson) has given such a penetrating and sympathetic account of the basic problems that have beset the former subject races of the old Ottoman Empire, as does this friend of Jews and Arabs, of Greeks and Armenians, while making allowance for the sensitiveness inevitably bred in these races during " centuries of ill-treatment ". Therein rests the primary value of the *Memoirs*.

A. O. SARKISSIAN

UNIVERSITY OF ILLINOIS

Roger Sherman: Signer and Statesman. By ROGER SHERMAN BOARDMAN. Philadelphia, University of Pennsylvania Press; London, Humphrey Milford, Oxford University Press, 1938.—xii, 396 pp. $4.00.

Old-time Connecticut has so often been called the " land of steady habits " that the phrase has acquired a connotation of criticism, but its essential meaning is so applicable to Roger Sherman and his era that the term may well be revived. Sherman was above everything else a man of good habits steadily practiced. He was born in Newton, Massachusetts, in 1721. When he was twenty-two his family moved to New Milford, Connecticut, a town then considered by residents of the Atlantic seaboard as being practically in the " wild west ". Life in this frontier community was a humdrum affair, writes Mr. Boardman, " but in some of the finer moral values a satisfying one " (p. 30). Roger Sherman was no ordinary rustic. A mere catalogue of his public offices would fill more space than that alotted to this review. In 1745 he became surveyor for New Haven County. Before the close of his seventy-two years he had signed four notable documents—the Continental Association of 1774, the Declaration of Independence, the Articles of Confederation, and the Constitution of the United States. At one time or another he was a Connecticut assemblyman, judge, member of Congress, senator, and mayor of New Haven. He issued almanacs, and argued theology with the Reverend Samuel Hopkins. He was a land speculator, but not a plunger; he was a " dry " when times were " wet "; he was a sound-money man, when his neighbors were inflationists; he was a capable lawyer, a school committeeman. In short, Sherman was the Benjamin Franklin of Connecticut, without the latter's human failings or popular appeal. His Yankee humor was shrewd, but not quotable to advantage. He was hard-headed and practical, an upright but unimaginative Puritan. With his careful habits,

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Sherman was able to live comfortably while others suffered from hard times. He would not travel on Sunday even when outside the jurisdiction of Connecticut's Sabbath laws.

In the Constitutional Convention of 1787 Sherman was the eldest delegate save Franklin; he spoke frequently, but seldom interestingly. His newspaper articles in support of the new Constitution were sound, although they do not compare with *The Federalist* papers. Sherman is best known, of course, for his support of the proposal since called the "Connecticut Compromise", the provision that one house of Congress shall be based on population and the other on equal state representation. This contribution to our Constitution has, for all except students of local history, overshadowed his other achievements and his family life—his considerate affection for his wife and his solicitude for his sons who were often in trouble.

The chronicle of this sober success in our young democracy has the characteristics of its subject. Mr. Boardman's narrative is sincere and straightforward, and it possesses a slightly moral purpose in giving needed praise to the humble virtues which are today so often neglected.

JARVIS M. MORSE

BROWN UNIVERSITY

Business and Modern Society. Edited by MALCOLM P. MCNAIR and HOWARD T. LEWIS. Cambridge, Harvard University Press, 1938.—viii, 411 pp. $5.00.

The title of this volume does not accurately describe the character of its contents. As the editors are careful to point out in the Preface, it is not an "attempt to survey the field of business in any comprehensive and orderly manner" but is a "more or less random sample of the thinking and interests of the Faculty of the Harvard Business School" on certain rather narrowly limited phases of the general subject of the positions which business enterprise and management occupy in modern society. Its chief defect, therefore, is that it is fragmentary and presents no ordered, unified body of fact or doctrine. The opinions expressed in its different parts are sometimes conflicting. The gastronomically imaginative reader is likely to feel, when he finishes the book, that he has partaken of a repast compounded of sips and tastes of the prize dishes in the menus of a number of the best restaurants in town. Each tidbit is interesting and momentarily stimulating but the aggregate does not give the satisfied sense of repletion and completeness which one has the right to expect from a full meal.

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To make further use of the observations of the editors in the Preface, we may classify the fourteen papers which compose the book into four general groups or types.

(a) Some of them represent attempts to explore certain problems—little understood by most observers, not yet even perceived by many—lying on the frontier of the philosophy of business management. Such are the introductory chapter written by Dean Donham and Professor Roethlisberger's discussion of the importance of sentiment in personnel management. Although, upon first examination, Professor Teele's description of the conflict between logic and emotion in marketing appears to be merely an attempt to improve certain tools used in the management of distribution, he is really breaking new ground in his treatment of the subject. Professor Isaacs' contrast of public and private administration deals in part with a problem involved in the relations of government and business which is as neglected as it is fundamental—the essentially contradictory character of the thought processes of the business man, the lawyer and the politician. The misunderstanding which results from the mingling of their inconsistent mental habits goes far to explain many of the failures of attempts by the state to administer or regulate business activities. In emphasizing this viewpoint his article turns virgin sod.

(b) A second group of contributions is composed of examinations of current business movements or events. In this category might be placed Professor Hubbard's discussion of the growth of the federal debt and its probable effects on our monetary system and Professor Ruggles' chapter dealing with certain phases of the problem of setting rates for public utility services. Professor Malott's analysis of the agricultural situation belongs in part at least to this general group. Of necessity, all of these contributions are to some extent historical and involve in some degree the restatement of problems which have long been subjects of discussion. In the three articles mentioned, however, the emphasis seems to be upon the current developments in connection with them.

(c) Several of the chapters involve attempts to improve the tools or techniques of management and administration, public or private. In this class belong three discussions of accounting problems: that of Professor Sanders dealing with certain reforms of accounting practice proposed by scholastic and professional groups and by several governmental bodies such as the Bureau of Internal Revenue, the Interstate Commerce Commission, and the Securities and Exchange

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Commission; Professor Hosmer's comments upon some of the possible manipulations of the surplus account and their effects upon the measurement of income; and Professor Walker's treatment of the use of the budget and budgetary standards as devices for controlling manufacturing costs. In part the contributions of Professors Isaacs and Teele deal with improvements in the tools of administration and in their use, although, in their essentials, they treat of more fundamental matters.

(d) A number of these discussions are essentially attempts to restate or to attack from a new angle problems of business which are of long standing. Professor Gras summarizes the history of several past governmental attempts to regulate or fix prices and, on the basis of this summary, draws certain conclusions concerning the probable direction which our present movement toward price regulation is likely to take and the effects it may be expected to have. Professor McNair briefly describes and evaluates the more significant of the theories which have been advanced to explain the existence and behavior of business cycles. Professor Slichter discusses a number of the methods which have been suggested to stabilize our economic operations, particularly the proposal to stimulate individual spending during periods of depression, the practice of reducing costs through cutting wages under such circumstances, and the several types of "pump-priming" activities. Naturally part of his contribution deals with current attempts in this direction. A few years ago it would have been necessary to classify Professor Tosdal's treatment of consumer demand as an attempt to conquer new territory on the frontiers of business management and economic thinking. In the light of what has happened during the past decade or two, his contribution probably can be more accurately described as a brief history of the invasion by business managers and economic theorists of the new province of consumer demand and a short résumé of some of the steps which may be taken in order to exploit to the fullest extent its possibilities both for private profit and social welfare.

All of these papers are scholarly pieces of work. The subjects treated, however, are so discrete, and there remain so many matters in the general field concerning which the book offers nothing, that it cannot be regarded as anything more than a compilation of excellent essays by Harvard professors on various highly specialized phases of business management and economic thought. Its various parts, each excellent in itself, simply do not hang together sufficiently to form an integrated book.

R. S. Alexander

Columbia University

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BOOK NOTES

Up to his death in 1932, Friedrich Gundolf belonged to the galaxy that was Heidelberg. He died just before that galaxy fell apart, under the pressure of the rising nationalist movement. That he himself despised the trumpeted Germanism of that now victorious movement, though it was led by one of his own worst pupils, Joseph Goebbels, and claimed his master, Stefan George, as a major prophet, Gundolf makes perfectly clear (p. 78) in *Anfänge deutscher Geschichtsschreibung,* herausgegeben von Elisabeth Gundolf und Edgar Wind (Amsterdam, "Elsevier", 1938; iii, 176 pp.). And it is a fact of curious significance that in this little book on the beginnings of German history-writing, in itself remote from the Germany of the 1930's, a member of the George *Kreis* was sufficiently and directly stirred by contemporary events to remove himself from what many have considered in part the outcome of the esotericism of this very circle. This book is a fragment of a projected work on German historiography—historiography as German literature rather than as "scientology". It covers the time from the Reformation, which saw the liberation of the German language, to the age preceding Herder, connecting up through Winckelmann with that system of thought-sources which Meinecke has grouped under the term *Historismus.* Like England before Hume, Germany in that period was without one outstanding historical work of literary importance, and may therefore be regarded by some readers as of scant importance. But in the history of thought nothing can be that easily dismissed. The products of no time are really dead, insignificant or inconsequential; Gundolf shows us how far preparatory elements and liberating circumstances were present in the German Baroque and Enlightenment, despite the spoiling and stifling of literary materia through wrongly chosen literary form and discipline. He points emphatically to the influence of travelers and geographers in the exotic regions of the world, an influence of the exogenous kind that, by the way, contributed to make Simon Ockley's *History of the Saracens* the first piece of English historiography "worthy to be classed as literature" (*Cambridge History of English Literature,* X, 317).—CHARLES A. BEARD, New Milford, Conn.

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"In the course of this book I shall be concerned to prove that the fundamental concept in social science is Power, in the same sense in which energy is the fundamental concept in physics. . . . The laws of social dynamics are—so I shall contend—only capable of being stated in terms of power in its various forms." So writes Bertrand Russell in chapter one of *Power: A New Social Analysis* (New York, W. W. Norton & Co., 1938; 305 pp. $3.00), but he does not keep his promise. Instead he gives us a series of essays, reflective, discerning, persuasive, written with lucidity and grace. While he makes numerous distinctions and classifications, no analysis is followed through to the proposed end. The reader will obtain an illuminating view of the ramifications of power and of the sources of power. He will above all be impressed, if he is willing to be impressed, by the constant social menace of uncontrolled power. But of the function of power in the social order, apart from its perils and abuses, he will learn little. For the book is really addressed, not to the anatomy of power, but to the problem of the "taming of power". "There is no hope for the world," says our author, "unless power can be tamed, and brought into the service, not of this or that group of fanatical tyrants, but of the whole human race" (p. 34). It is a most timely theme, and it is treated, if somewhat sketchily, with keen perception and fine insight.—R. M. MacIver.

In *Dictators and Democracies* (New York, The Macmillan Company, 1937; xi, 110 pp. $1.50) Calvin B. Hoover criticizes the political and economic conditions of three totalitarian states: Germany, Italy and Russia. In sympathy with the middle-class liberals, Hoover insists that totalitarian forms of government will destroy the system of free enterprise and will lead to a complete control of all business by the state. Chiefly concerned with foreign affairs, he maintains that the totalitarian states, even when proclaiming that they want to preserve peaceful relations with foreign countries, manifest a tendency to resort to direct action and to ignore the democratic rights of other nations. In Mr. Hoover's opinion, the use of force as an instrument of national policy is the cardinal sin. Aware of the power of modern nationalism over the minds of men, he cannot find in communism a solution of current world conflicts. No country would be willing to share its wealth with foreign nations. As an expression of a certain type of liberal opinion in America, Hoover's book is worth while reading.—Arno Carl Coutinho, New York City.

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Anyone who wishes to know the "forms required by custom and tradition to be observed in contacts and relations of the two races during the period of their association in America" will find useful *The Etiquette of Race Relations in the South: A Study in Social Control,* by Bertram Wilbur Doyle (Chicago, The University of Chicago Press, 1937; xxvi, 249 pp. $2.50). The author does not condemn or praise; he presents simply and directly, with a minimum of comment, what he has gleaned on this subject from various sources from the earliest times to the present. The work would be more valuable if it were more detailed and more comprehensive, and certain considerations of the utmost importance would stand out more clearly if a more detailed chronological order had been followed, and if the author had been more careful in some of his statements. For instance, he says (p. 10) that the Negro on his arrival at Jamestown was an indentured servant, that he was later reduced to slavery. This is too flat. It is certain that some Negroes were treated as indentured servants, but there is no evidence that all were so treated. The absence of recognition of slavery in English law proves nothing. The chief generalization expressed in the last chapter is that custom is superior to law. But how can this be squared with the author's view of Negro history? If the Negro was first an indentured servant, as the author says—if this was the first custom, as he apparently intends for us to assume—how did it happen that this custom, however new and weak, was later overturned by law, which, so far as we learn here, arose out of nothing? The author must know that Chief Justice Taney never pronounced any dictum that "the Negro has no rights which the white man is bound to respect", and when he quoted this supposed dictum I wish that he had given some account of the use to which it has been put. No better example could be found in the history of race relations of the unfortunate custom of wrenching words out of their context and distorting their plain unmistakable meaning. When the author quotes these words without any suggestion that they grossly misrepresent Taney, he runs the risk of making the reader think that perhaps he does not know better, or, worse yet, of giving readers unacquainted with Taney's opinion an entirely erroneous impression. But in spite of contradictions and omissions and the failure to follow a more detailed chronological order, the work as it stands will prove useful.—W. T. Couch, University of North Carolina.

Among the various attempts made in Australia to preserve good relations between workers and employers none is perhaps more sig-

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nificant, certainly none is more interesting, than the work of the Commonwealth Court of Conciliation and Arbitration whose history Mr. Orwell de R. Foenander has made the subject of a substantial and painstaking study—*Towards Industrial Peace in Australia: A Series of Essays in the History of the Commonwealth Court of Conciliation and Arbitration* (Melbourne, Melbourne University Press, in association with Oxford University Press, 1937; xxvii, 292 pp. 21s.). He has prefaced his account of the achievements of the Court with a detailed exposition of its constitutional status as at first established under the federal act of 1904 and under successive amendments to that act, and the various relevant decisions of the federal High Court. The Commonwealth constitution left the subject of industry generally in the hands of the individual states, while reserving for federal control the restricted subject of "conciliation and arbitration for the preservation and settlement of industrial disputes extending beyond the limits of any one state." It seemed fitting that a national emergency should be controllable by the national government. The author traces the steps by which, in spite of many setbacks, the ambit of the Court has been enlarged, until its awards have come to have a vital importance for the whole economic life of the Commonwealth, even exercising a strong if indirect influence on the awards of state agencies for conciliation and arbitration. Although the Court has been forced to operate within the narrow bounds set by the claims and counter-claims of actual disputants, it has persistently, and with some success, worked toward the establishment of the common rule in industry, thereby virtually exercising legislative functions. Moreover many of its awards for the protection of labor have forced the federal Parliament to erect new tariff barriers for the protection of industry, thereby impinging on federal policy. The author makes it clear, however, that the Court has not regarded itself merely as the defender of labor interests. While working consistently for the lowering of hours of work, the Court has insisted that production must not be jeopardized. During the depression it substantially lowered its basic living wage awards. The author takes justifiable pride in the growth of the Court's prestige with both capital and labor. It is perhaps to be regretted that the present work did not concentrate on the history of the Court since the beginning of the depression, or at least since the Court's reorganization and change of status in 1926. It would then have been possible to bring the work of this federal court into relation with that of the state agencies and state legislation for industrial pacification.—W. MENZIES WHITELAW, Public Archives, Ottawa.

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It is refreshing to find a book on the British civil service which is not primarily devoted to uncritical praise. In *Public Service in Great Britain* (Chapel Hill, University of North Carolina Press, 1938; xx, 189 pp. $2.50) Dr. Hiram Miller Stout combines a keen observation with real descriptive ability to produce a monograph of distinct merit, giving praise where he thinks it is due and criticism with equal justice. He explains how the British system of civil service was developed, why it could have been created only in Great Britain, and how it is sustained even though the conditions which nurtured it have been radically altered. W. Y. Elliott in a foreword points to one of the distinctive features of the volume when he says, "I count it a positive virtue that so many public documents and so many rather inaccessible memoirs should have been made available to students in a single book." Another unique feature is Dr. Stout's discussion of the relation between ministers and Parliament on the one hand, and the permanent "brain trust" on the other. Equally novel is a stimulating presentation of the problem of public relations, how the civil service obtains and retains public esteem. Among the criticisms of British personnel policies made by Dr. Stout are: (1) the excessive weight given to the viva voce portion of the administrative class examination; (2) the lack of adequate training after entry to the service for many classes of employees in many departments; (3) the tradition of anonymity for the work and writings of important permanent officials; (4) the lack of contact by the principal civil servants with the vital problems of life and labor outside the civil service; (5) the limited vision of the Whitley Councils, particularly the national council; (6) the caste system reflected in the preference by the permanent officials for open competition entrants to the administrative class over those entering by promotion. The features singled out for praise are more familiar, and care is taken to emphasize their peculiar appropriateness to British life and temperament. The purpose of the monograph as stated by the author is capably achieved. "It is the purpose of this study to present some of the social and educational backgrounds of two important classes of public officers in Great Britain—members of Parliament and civil servants; to indicate the inducements to public life which influence these people; and to analyze their relationships as the personnel of important branches of the government" (p. 15). The result is a distinctive and distinguished contribution to the growing American literature on the public service of our English cousins.—HARVEY WALKER, The Ohio State University.

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Industrial Democracy, so much discussed fifteen or twenty years ago, has been pushed into the background by the events of the past decade, and little attention seems to have been directed to one of the most significant books on the subject, *Multiple Management* by Charles P. McCormick (New York, Harper & Brothers, 1938; xii, 175 pp. $2.00), which has recently appeared. Mr. McCormick spent seventeen years, after graduating from college, in learning his uncle's spice manufacturing business "from the ground up", in the expectation that he would eventually succeed to its management and control. When he did, in 1932, he came to it with the belief that the younger men in the organization should not only have more to say but also better opportunities to develop, and that the Board of Directors belonged to the automobile age, while what the business needed was "airplane-consciousness". His method of meeting this situation was to create a Junior Board of Directors, composed of seventeen assistant department heads, a Factory Executives Board, made up of foremen, and a Sales Board of salesmen. The book explains in detail how these groups functioned, and reports that under the system the enterprise did a gross business, in 1936, that was 65 per cent larger than for the average of the five years preceding 1932 and maintained a dividend rate of 6 per cent on the common and 8 per cent on the preferred, although the minimum wage had been increased 85 per cent and the working week shortened from 48 to 40 hours. Since 1933 more than a hundred other business organizations have adopted the general idea. Not the least of its appeal is that when union agents came in 1937 to organize the plant they were told to go ahead, but were assured that under the circumstances they would get nowhere. After looking over the situation, they concluded that that was true and departed.—THOMAS T. READ, Columbia University.

Among the publications concerning New Deal questions, the book, *Planned Society: Yesterday, Today, Tomorrow* (A Symposium by Thirty-five Economists, Sociologists, and Statesmen; with a foreword by Lewis Mumford. New York, Prentice-Hall, Inc., 1937; xxvii, 989 pp. $3.75), edited by Findlay MacKenzie, is an interesting one. An outgrowth of Professor Heimann's and Professor MacKenzie's seminars on economic control, it offers rich material for college discussion and gives an excellent survey of different types of economic planning and government interference. It presents valuable contributions to the questions: Is economic control worth while? Is regulation of economy by the government necessary? The whole

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problem of economic and political and social liberalism is involved. Such different solutions of planned economy, as, for example, the Soviet-System and the Corporative-System, are broadly discussed from the standpoint of Joseph Stalin as well as that of Benito Mussolini.—ARNO CARL COUTINHO, New York City.

It would appear that in *Location Theory and the Shoe and Leather Industries* (Cambridge, Harvard University Press, 1937; xvii, 323 pp. $3.50) Professor Edgar M. Hoover, Jr., has been unduly influenced by a current practice in motion picture distribution, namely, the double feature. Professor Hoover has presented in a single book two monographs, one on location theory and the other on the shoe and leather industries. Despite the attempt at synthesis in a concluding chapter entitled "The Theory of Location Again", the impression of a double feature remains. Unlike the picture program, however, which admittedly presents a class A and a class B film, Professor Hoover has succeeded in presenting two features of class A caliber. About one third of the book is devoted to a review of location theory, incorporating the recent contribution of the Swedish economist, Tord Palander. The review achieves thoroughness in relatively brief compass by effectively stripping the problems down to essentials and presenting them in order of increasing complexity. Thus the starting point is the location factors in the extractive industries. With land immobile, the factors of capital, labor and enterprise are assumed to be perfectly mobile, with the implied assumption of perfect divisibility of the agent. With the further simplifying assumption that producers or sellers at any one location are in perfect competition, location becomes a question of transport costs alone. These assumptions are gradually relaxed in order to explore the effects on location of local differences in labor costs, and of production-cost differentials in general. Variation of manufacturing cost with degree of local concentration is also shown to affect location of industry. Throughout this part frequent use is made of diagrammatic presentation. The reviewer, however, was unable to find that the diagrams aided insight into the problem, except as they provided illustrations of the inherent complexities of location theory. The fact that these diagrams are not used in analyzing the historical shifts in the location of the leather and shoe industries is in point. Indeed, it can be said that little use is made, in the historical treatment, even of the theoretical concepts and technical vocabulary developed in the first section. It is this that creates the impression of a lack of integration in the volume. This cannot be attributed

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to a mere editorial deficiency. It appears fundamental to the problems of location. Given full possession of the facts, it is usually possible to explain the location of a specific industry in terms of "common sense" economics. Perhaps the quasi-superfluous quality of much of location theory stems from the fact that in order to achieve formal precision, unrealistic assumptions must be posited.—DANIEL CREAMER, Philadelphia, Pa.

In *André M. Andréadès: Fondateur de la Science des Finances en Grèce* (Paris, Librairie du Recueil Sirey, 1936; viii, 294 pp.), Athanase J. Sbarounis has summarized the information on Greek fiscal history gathered by his late teacher and collaborator. In the extensive footnotes that make up the bulk of the book he gives Andréadès' findings in considerable detail, sometimes drawing on his course notes, reviews, etc., but usually on his books. The material covers the entire range from Homeric times to the modern era, except the period of Roman rule. Dr. Sbarounis, a whole-hearted admirer of Andréadès, explicitly disavows any attempt at critical analysis in the present volume, the aim being simply to present in a succinct manner his works and opinions. About fifty pages toward the end are devoted to reproducing reviews of Andréadès' *History of Greek Public Finance* and the volume concludes with a selected bibliography of Andréadès' writings. Dr. Sbarounis has written clearly and interestingly, and his book affords an unusual opportunity to become acquainted both with an important branch of fiscal history that is little known in the United States, and with the work of one of the most erudite scholars who has worked in the field of public finance.—CARL SHOUP, Columbia University.

Protagonists of various monetary schemes frequently proclaim their urgent desire for an international stabilization agreement; and then each is likely to argue that he has the only panacea which can successfully implement an international accord. In *Money and Trade* (Princeton, Princeton University Press; London, Humphrey Milford, Oxford University Press, 1937; xiv, 69 pp. $1.50) Réné Léon decries managed currencies as too nationalistic and gold as too scarce, for use as the basis of a permanent international agreement. Stabilization, he now states, can best be achieved through bimetallism. In argument, he has joined the substance of two of his congressional statements, of two public addresses and one magazine article, with three additional short discussions. Equalization funds, managed currency, stabilization, gold, silver, trade and "hot money" are included in the range of his analysis in favor of bimetallism. Appar-

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ently this is a pragmatic conclusion scarcely dependent upon theory for the author has met with considerable success in the world silver market and has been a highly regarded adviser of individual congressmen, of House and Senate committees and of at least one member of the White House secretariat. Some of his politico-economic correspondence with Sir Henri Deterding, the late head of the Royal Dutch Company which has been heavily interested in silver holdings, has illuminated the pages of the *Chicago Daily Tribune* (Oct. 27, 28, 29, 1936) for campaign uses. But the persuasive powers of a practical bimetallist of exceptional skill may prove to be severely taxed, as long as an unprecedented world output of gold is but one of many active reasons why world powers prefer flexible currency to a more rigid ratio between gold and silver.—JEANNETTE P. NICHOLS, Washington, D. C.

The purpose of the author of *English Radicalism, 1832-1852* (London, George Allen & Unwin, Ltd.; Chicago, The University of Chicago Press, 1935; 462 pp. 16s.; $5.00), S. Maccoby, is to analyze and correlate the various Radical movements of the period and to assess their effect upon parliamentary legislation. Dr. Maccoby, in his preface, says that "it is necessary to turn" to these movements "for completer knowledge of what were the motive forces in nineteenth century politics", and that it was "pressure from without" which determined the course of such men as Grey and Russell, or even of Peel and Shaftesbury. For the century as a whole this may be largely true—no politician, not even a Palmerston, is insensible to public opinion—but for the period 1832-1852 Dr. Maccoby's text does not, in the opinion of the reviewer, prove his point. It may not be fair to quote his chapter headings against him —chapter viii, "Radicalism Fails to Impose Its Program"; chapter xxvi, "Radicalism's Search for Leadership and Party Organization" —but the whole story, with a few notable exceptions, is one of failure. Nor does Dr. Maccoby gloss over this fact; he is, in fact, constantly explaining it. Why this was so is not hard to understand—to name a few of the prominent Radicals is enough: Durham and Cobbett, Cobden and O'Connell, Hume and O'Connor, Holyoake and Bright, Molesworth and Place, not to mention Grote, Mill, Buller and Wakefield. Among these men there was no common denominator, with the exception of parliamentary reform. Chartists and Anti-Corn Law Leaguers distrusted one another; the Dissenters might accept the aid of the philosophical and atheistic Radicals in a fight against the Established Church, but in general the two groups were

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antipathetic; Wakefield and his friends wanted greater freedom for the colonies, Cobden thought colonies an expensive nuisance; Radical traders wanted the Navigation Acts repealed, but workers feared that this would mean loss of work for seamen; trade unionists wanted public works, while the Manchester group stood for rigid economy. All of these illustrations have been gleaned from Dr. Maccoby's book, and they explain why the Radicals, however much they may have forced certain legislation or helped its passage through Parliament, did not wield the influence to which their numbers in the country and in Parliament (about 160 in 1852) entitled them. But to doubt whether Dr. Maccoby has proved his thesis does not reflect any doubts on the value of his book. Special monographs on particular movements are numerous, but this is the first attempt to tell the full story; and in the telling new light is shed on such well-studied subjects as, for example, the Reform Act of 1832 and the Chartists. Manuscripts in the British Museum and contemporary Radical papers furnish much of the newer material, and the footnotes are especially valuable.—ARTHUR H. BASYE, Dartmouth College.

A worthy addition to the series of publications by the Royal Empire Society, edited by Professor A. F. Newton, is *European Beginnings in West Africa, 1454-1578* (London, New York and Toronto, Longmans, Green and Co., 1937; viii, 212 pp. 10/6; $4.20) by John W. Blake. The author has made good use of materials in the Portuguese archives, heretofore unexploited, and has produced an excellent survey of the first century of European expansion in West Africa. The spectacular achievements of the Portuguese empire builders in the seas beyond the Cape of Good Hope have tended to obscure the importance of the Guinea trade as a fruitful field of study. Professor Blake's volume helps to restore a proper balance. Little attention is given to the work of Prince Henry, but the author expresses the interesting opinion that he was motivated by the hope of profits rather than by religion or scientific zeal. The commercial empire established by the Portuguese in West Africa is described in considerable detail, and the methods of controlling trade in the interest of the Crown are analyzed. But the author fails to tell us much concerning the important problem of native relationships. Probably the most interesting feature of the volume is the account of the efforts of interlopers to break down the monopoly established by Portugal in West Africa. During the fifteenth century Castile was the dangerous rival; but after 1530 both England and France

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appeared on the scene, and a sanguinary struggle followed in which mercy was neither asked nor expected. While Professor Blake has not added much to our knowledge concerning England's part in this triple rivalry, he has contributed greatly to our understanding of the rôle played by France. He has integrated the struggle in West Africa with the main current of European political history with great skill and has shown that developments on the Guinea Coast frequently exerted a decisive influence on the trend of European diplomacy.—ARTHUR N. COOK, Temple University.

The central task which Professor Harold C. Deutsch has undertaken in his valuable study *The Genesis of Napoleonic Imperialism* (Cambridge, Harvard University Press; London, Humphrey Milford, Oxford University Press, 1938; xxii, 460 pp. $4.50) is to trace the evolution of French foreign policy from 1801 to 1805, or roughly from Marengo to Austerlitz. His reconstruction of the ravelled pattern of European diplomacy during this period is the most thorough and authoritative analysis yet written in English, and deserves to rank with the work of Sorel and Driault in its scholarship and breadth of focus. Three major conclusions concerning Napoleon's career emerge from these pages, and while they are not new they have never before, to the knowledge of this reviewer, been synthesized with more sanity and logic. The first is the truth, too often overlooked, that Napoleon's ambitions *evolved* during the Consulate. In 1800 he was primarily interested in reorganizing France and consolidating the "natural frontiers"; the project of an international empire was the fruit of Austerlitz and was inaugurated after 1805. When this point is kept in mind it is easier to understand the prestige Napoleon enjoyed in 1802 as the moderator who had restored order to France and peace to Europe. Mr. Deutsch thus vindicates, as his second contribution, the element of truth in Napoleon's boast that at Amiens he "had achieved the moral conquest of Europe." The third conclusion touches the projected invasion of England. By a scrupulous correlation of the evidence from naval, military and diplomatic sources, Deutsch demonstrates that the attack on England was no feint but a major objective the miscarriage of which changed the current of Napoleon's thoughts and ambitions. The success with which British statesmen crowded Napoleon's moves and ultimately forced him to overplay his hand is highly suggestive in the light of current European developments. *The Genesis of Napoleonic Imperialism,* which forms Volume XLI of the Harvard Historical Studies, is a distinguished addition to this valuable series.—GEOFFREY BRUUN, New York University.

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Dr. William Osgood Aydelotte's *Bismarck and British Colonial Policy* (Philadelphia, University of Pennsylvania Press; London, Oxford University Press, 1937; xii, 179 pp. $2.00) is a thoroughly documented, impartial and readable study of the dispute between Germany and Great Britain over South West Africa in the period 1883-1885. Aside from having a purely historical value as a chronicle of the diplomacy behind Germany's acquisition of her first colony, the volume is significant as a study of the reactions in both Germany and Great Britain to the former's entry into the field of overseas territorial expansion and as an illustration of Bismarck's diplomatic technique. The author has made extensive use not merely of the British Blue Books, the German White Books, and *Die Grosse Politik,* but of materials in the British and German foreign-office archives and the private papers of Gladstone and the second Earl Granville. Dr. Aydelotte's conclusions may be briefly summed up as follows: (1) Bismarck's first communication (February 1883) concerning South West Africa conveyed the correct impression that he had no desire to acquire colonies, but when the chancellor changed his mind, he made no effort to alter the impression created by his first statements; (2) Bismarck deliberately kept Count Münster, German Ambassador in London, incompletely informed of his plans; (3) British policy, though honest, was clumsy and indecisive, chiefly because the foreign office allowed itself to be influenced too strongly by the colonial office and the government of the Cape Colony; (4) Great Britain suffered a diplomatic defeat when Germany acquired South West Africa, but no serious blow was dealt British economic or territorial interests; (5) the dispute never assumed the proportions of a dangerous threat to the peace of Europe. Bismarck, in short, "with a diplomacy as adroit as that of his opponents was clumsy . . . had secured large oversea territories which, even if they were not of great value, were at any rate inexpensively acquired." —WALTER CONSUELO LANGSAM, Union College.

Under the anonymous editorship of "Germanicus" there has appeared an interesting volume entitled *Germany: The Last Four Years* (Boston and New York, The Houghton Mifflin Company, 1937; viii, 116 pp. $1.75). According to the editor, the work was compiled by "about a dozen men of some achievement in Germany's military, financial and industrial affairs. Some of them, to this day, are holding high posts in their country. Others, although they no longer have their permanent home in Germany, are in a position which enables them to obtain first-hand information of what is going

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on behind the curtain of German national life." The basis of the survey is stated to be "German official statistics, except in agriculture where we refute them." In a brief foreword, Sir Walter Layton, eminent British economist, labels the book "an attempt to penetrate the smoke screen of propaganda and to reveal the truth." Should the volume contain inaccuracies, then, he says, "it is for the German apologists to answer them if they can." Successive chapters deal with German finances from 1933 to 1937, the German military machine in 1937, the system of economic control, the economic war preparations, agriculture in Germany, traders and consumers, newspapers, foreign trade and self-sufficiency, the economic value of German colonies, the "cost" of a totalitarian state, and the position of the banks under Nazi rule. It is the conclusion of the authors that the political leaders of Germany "are gambling with the livelihoods . . . of their people." While recognizing certain outstanding Nazi achievements, particularly in health and youth work, they feel that Germany has been "insulated" from the benefits of a recovery evident in other parts of the world. Unemployment and under-nourishment are prophesied for the German people as the tremendous rearmament program is pushed to its climax. The authors believe that a strong stand by the democratic powers against any German military threat and the withholding of any financial or territorial concessions from the Third Reich would eventually bring about the fall of the Nazi régime.—WALTER CONSUELO LANGSAM, Union College.

Leon Trotsky, in his despatch to the *New York Times,* dated March 4, 1938, stated that, from the moment of the overthrow of the Hohenzollerns, the Soviet government worked for a defensive alliance with Germany against the Entente. In *The Origins of American Intervention in North Russia (1918)* (Princeton, Princeton University Press; London, Humphrey Milford, Oxford University Press, 1937; ix, 140 pp. $2.00), Leonid I. Strakhovsky adduces documentary evidence to the effect that the Bolsheviks were courting German support considerably before the date of that overthrow. The author's conclusions, however, that the Allied intervention was started following an invitation of the Soviet government to land troops in North Russia for the protection of Russian territory from German-Finnish encroachments (p. 120), and that the United States agreed to it only after a petition on the part of a portion of the Russian people themselves, do not seem to be warranted by the evidence of the documents used by him. After all,

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"probably 2,000 or more" (p. 65) Russians at Murmansk or, for that matter, the entire population of Murman can hardly be regarded as adequately representing the Russian people in a question of such great importance as that of inviting foreign armed forces to continue to remain on Russian soil. The petition could be, and was, used as a pretext for the American participation in the intervention, but cannot be objectively viewed as a good reason for it. While it is true that in chronological sequence the Allied intervention followed the expression of the wish of the Soviet government for coöperation on the part of the former allies of Russia against possible invasion by Finns and Germans, the reasons for the intervention formulated by the Supreme War Council, as given in the cable to President Wilson, stated: "If the Allies are to win the war in 1919, it should be a primary object of their policy to foster and assist the national movement in Russia" (p. 95)—in other words, to overthrow the Soviet government. The author's contention that the American participation in the intervention prevented the British and French from carrying out their agreement for the dismemberment of Russia seems to be divorced from objective facts. The bayonets of the Red Army and the guns of the river flotillas of the Red Navy cleared the Russian soil of the armed forces of the Allies in Northern Russia, quite regardless of the fact of the American participation in intervention. The other two reasons adduced by Dr. Strakhovsky to prove that the Soviet government benefited from the American participation in the intervention—viz., the decisive part played by American troops in the Allied victory on the Western Front and the inclusion of Article 433 in the Treaty of Versailles in fulfilment of President Wilson's sixth point—have very little, if anything, to do with the American participation in the intervention. The superstructure of rather flimsy conclusions does not seem to fit the otherwise solid structure of carefully reviewed historic evidence of the chapters forming the main body of the book. The fine distinction made by Dr. Strakhovsky concerning the subservience of Chaikovsky's government to the British, as contrasted with the state of affairs at Murmansk, does not seem to stand the test of a realistic analysis of the situation. The Murmansk agreement of July 6, 1918 could not have had any lasting political effect, for the very simple reason of the obvious disproportion in the actual forces of the contracting parties. In this year of grace it seems strange to ascribe any real political value to such an agreement. Here again Dr. Strakhovsky does not seem to differentiate between the surface and the core. And

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yet this reviewer believes that in the four chapters of his book Dr. Strakhovsky has presented a great deal of valuable information bearing on the beginnings of the Allied intervention in Russia. Every student of recent Russian history should familiarize himself with it. —D. FEDOTOFF WHITE, Merion, Pa.

The latest volume of documents on Russian-American relations issued by the Department of State—*Papers Relating to the Foreign Relations of the United States, 1919, Russia* (Washington, U. S. Government Printing Office, 1937; civ, 807 pp. $1.75)—is probably the fullest and the most illuminating of the series. These documents are grouped in five chapters entitled: "The Soviet Republic", "Siberia", "The Northern Region", "The Baltic Provinces", "Southern Russia and the Ukraine". The bulk of the material is contained in the second chapter dealing with Siberia and the problems arising from the *de facto* recognition of the Koltchak government. Particularly revealing are the extracts from the notes of numerous meetings at President Wilson's residence in Paris during which the policies toward Russia were being formulated. They show not only the complete lack of understanding of the situation on the part of the mighty peace-makers, but also a childishness close to stupidity as exemplified by the following excerpt: "M. Paderewski was afraid of a very powerful military Russia developing under Koltchak. M. Clemenceau pointed out that M. Paderewski, like all Poles, was anti-Russian. Mr. Lloyd George . . . was urging that the Allies should prevent Russia from becoming Imperial again. He feared that more than he did Bolshevism. M. Clemenceau was afraid of both. President Wilson said Bolshevism must collapse, whereas an Imperial Russia might remain." On the whole this volume is a valuable addition to the documentary material dealing with Russia, and one should heartily congratulate Dr. Cyril Wynne, Chief of the Division of Research and Publication, under whose able guidance it was compiled and brought out.—LEONID I. STRAKHOVSKY, University of Maryland.

What distinguishes this book—*China: A Short Cultural History,* by C. P. Fitzgerald (New York and London, D. Appleton-Century Company, 1938; xx, 615 pp. $7.50)—from many others written on the history of China in recent years is the distribution of emphasis. "Political history is given only in outline," the author says in his preface, "so that by avoiding a plethora of unfamiliar names, the significance of truly formative periods may be more easily grasped and retained." The intent is not uncommon, but the fidelity with

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which it is here carried out is unusual. There actually is very little of dynastic wars and successions and even less of "foreign relations". And whereas nearly all books on China treat of some 3000 years of China's history as a kind of prelude to the nineteenth century and relations with the West, here the nineteenth century is given in scale. It is not unfitting that ten pages are devoted to the social experiments of Wang An-shih and only thirteen to the whole of the controversy over the right to foreign trade and the final opening up of China. By the same standard of measurement it may be said, perhaps, that the space given to the Taiping rebellion is excessive. The emphasis on the arts, religion, philosophy, the "cultural" in general, is admirable. One would have liked, however, more on the social institutions, on the influence of the family and the guild, for example, on the development of the race. The economic side in general is rather scamped. The book covers too much ground in 600 pages for any intensive historical study, but it can be recommended for use as a survey.—NATHANIEL PEFFER, Columbia University.

In *The Political Doctrines of Sun Yat-sen: An Exposition of the* San Min Chu I (Baltimore, The Johns Hopkins Press, 1937; xiv, 278 pp. $2.75) Dr. Paul Myron Anthony Linebarger proposes "a contribution to political theory rather than to sinology" (p. x). It is well that he remarks this, for his scholarship is weakest where it approaches sinology closest, and while his study contributes much to the understanding of Chinese affairs, it becomes valuable primarily by developing a new interest in Sun Yat-sen for political scientists. Dr. Linebarger states the problem of how he shall overcome the principal obstacle to Occidental understanding of Chinese political thought: the impossibility of explaining the "ideology" which he considers the consistent fundamental of Chinese politico-social development by a technique that is inseparable from Western philosophy. Rejecting ordinary techniques for politico-social analysis, he outlines a system, largely founded on Ogden and Richards, *The Meaning of Meaning,* for placing the terms of Chinese ideology into an Occidental frame of reference. In practice this involves local definition of Western terms, correlation of corresponding Chinese ideas and consideration of overlapping edges. From this arises a convincing demonstration that much in Sun Yat-sen's thought is significant for Western scholars as interpretation of China's philosophical heritage, which is well, for there has been overemphasis on Sun's rôle as an interpreter of Western thought. The reference of his programs to Confucius and to Chinese traditions is interesting and

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carries conviction; but it suffers, as does much of the book, from an assumption of more rigid historical consistency than seems probable. Supporting his thesis Dr. Linebarger offers new materials, chiefly unpublished manuscripts by his father, Judge Paul Linebarger, who was the revolutionist's legal adviser and biographer. These appear principally when, after an account of the historical background of Chinese politico-social philosophy which might benefit by more reference to recent monographs, the author proceeds to a detailed examination of the "Triple Demism" in Sun's outline and in operation. The *San Min Chu I* lectures were unfinished summaries, and as Sun died before he developed them, Dr. Linebarger has had to resort frequently to his father's materials for elucidation of points obscure in Sun's published writings. These manuscripts appear of uneven value; yet they enable the author to erect a consistent system of doctrine which he attributes to Dr. Sun—a more consistent program, perhaps, than the apparent inconsistencies of Sun's attitudes, which Dr. Linebarger minimizes, have heretofore indicated. While, unfortunately, the author does not read Chinese or Russian, his work reveals wide research; there can be no question of its great usefulness. —H. M. G. LABATT-SIMON, New York City.

With the publication of the fourth volume of the *Cambridge History of India—The Mughul Period* (New York, The Macmillan Company; Cambridge, at the University Press, 1937; xxvi, 670 pp. and 58 plates, $12.00) planned by Sir Wolseley Haig and edited by Sir Richard Burn—covering the period from 1526 to 1761 A. D., only the second volume, which is to deal with Medieval Hindu India, remains to complete the set of six volumes. One chapter traces the history of Burma from 1531 to 1782 A. D., and another chapter, accompanied by ninety-eight illustrations on fifty-eight plates, gives an excellent impression of Muhammadan architecture. Exhaustive bibliographies are given for each chapter and there are good chronological tables and dynastic lists. This volume, like the third, fifth and sixth volumes, will be an indispensable reference book for those who want a careful, detailed narrative of names, dates and events. But as I read the book it seems to me that I am watching a puppet show in which hundreds of marionettes file past and make mechanical gestures at certain places and certain times. On the one hand so much detail is given that particular individuals hardly emerge from the crowd, and on the other hand so little detail is given that individuals appear to be automatons rather than living human beings. Strictly speaking, the volume is not so much a history of India as it

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is the story of the doings of the Muhammadan conquerors of India, of their exploits, of their few virtues, and of their many vices. Except for the chapter on the Marathas, only Muhammadan invaders appear in the spotlight at the front of the stage. The people of the country of which the history is being written are in black obscurity at the back of the stage. No light is turned upon their lives, their occupations, their literature, religion and philosophy, upon the real history of India under the impact of foreign conquest. Even the chapter on the Revenue System of the Mughul Empire deals with details of the administration of a system rather than with the effects of the system upon the civilization of the country. As cultural history the four volumes dealing with Mughul and British India are far inferior to the first volume, which deals with early Hindu India. It is to be hoped that the second will imitate the first rather than the later volumes in the series. It may be that the very lack of historical literature in Sanskrit is a blessing in disguise, since it forces writers on Hindu India to subordinate trivialities and small personalities to the general background of the development of the civilization of the country. The wealth of documentation for the Mughul and British periods and the exaggerated emphasis which these documents place upon trivial events and persons have caused the writers of these volumes to give us nothing but foreground and to omit the whole background of the picture they are trying to paint. History should have more perspective, but perhaps books such as these are indispensable frameworks around which the real structure of history will have to be built.—WALTER EUGENE CLARK, Harvard University.

Horatio Seymour of New York (Cambridge, Harvard University Press, 1938; xx, 623 pp. $5.00), by Stewart Mitchell, is well written. It is based upon solid and careful research. It does not fail, as good historical writing should not fail, to suggest analogies or parallelisms between the period of which he treats and our own world of today. Yet for all this, it must be said that Horatio Seymour does not live very vividly in its pages. The fault may not lie so much with Mr. Mitchell as with the subject of his biography, or with the materials from which the biography is written. Seymour was a cool and cautious man, abstaining from unnecessary commitments and pitching his utterances, when he made them, in a mood that was rarely lofty. He had no love for the political battle and was, save for a few brief years, more important behind the scenes than on the center of the stage. It is difficult to make such a man

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into a very thrilling figure. Mr. Mitchell himself admits that Seymour's career was largely negative and can find little more to say of him on the positive side than that he was "the most able and active champion of the Erie Canal", but he deems important some of his negative contributions—his courageous veto of the New York Prohibition Act of 1854, his attachment to civil liberties and to moderate courses with regard to slavery. But the veto of 1854 was overruled and, as the author concedes, it is a grave question as to whether civil liberties can be preserved in time of war. Seymour may have been unique in being the only candidate of a major party for the presidency who had the nomination forced on him, but so far as the reviewer knows, he is also the only candidate of whom it was seriously proposed that he withdraw in the midst of the campaign. Some corrections of unjust judgment this book has made. The New York draft riots of 1863, exaggerated by partisan venom as to their extent and effects, are put in a true proportion by Mr. Mitchell, and Seymour's governorship gains in dignity from his careful consideration of it. It would appear, too, that there was a scandalous misuse of political influence by the Administration in defeating Seymour in 1864, but when the record is in, this Democratic politician remains not the flabby near-traitor, which party violence sometimes attempted to depict him, but a cautious and rather colorless figure who shunned the positive rôle that marks the great leader of men.—DEXTER PERKINS, The University of Rochester.

The Life of John McLean: A Politician on the United States Supreme Court (Columbus, The Ohio State University Press, 1937; ix, 244 pp. $2.25), by Francis P. Weisenburger, has been written in response to an expression of the need for "full-length critical lives of men and women of secondary rank" (p. viii). John McLean lived from 1785 to 1861, and served as an associate justice of the Supreme Court of the United States from 1829 to the date of his death. This biography will have value to students of personal and party politics for its well-documented record of frustrated but perennial efforts of a presidential aspirant. The first four chapters, in addition, dealing with McLean's early life and his experience as a congressman from Ohio, a judge on the Ohio supreme court, and Postmaster General of the United States, present significant materials not generally available to students of the backgrounds of federal Supreme Court justices. Unfortunately the brief portion of the book dealing directly with McLean's life as a justice is inadequate and lacking in significant appraisal. Surely, when a man has served

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nearly a third of a century on a court which has become the most powerful institution of its kind in the world, biographical emphasis in an account of the years spent on the court should be on his judicial life rather than on his efforts to win political recognition. If political maneuvers have repercussions in the court room they become significant, of course, but the connection must be shown. Reference to such linkage in this account is sporadic and incomplete. Of politics within the court, and of the political implications of particular important decisions, little is told except in connection wth the oft repeated story of the Dred Scott case. It is a matter of regret that more light is not thrown on court interpretations of interstate commerce, police power and other doctrines in connection with prevailing issues of the times such as corporation control, liquor control and slavery. Emphasis on such matters would have kept the biography in line with McLean's more significant activities, even though it continued to label him as second rate in caliber.—CARL BRENT SWISHER, The Johns Hopkins University.

The essential purpose of *Jean Jacques Burlamaqui: A Liberal Tradition in American Constitutionalism* (Chapel Hill, University of North Carolina Press, 1937; viii, 216 pp. $2.50), by Ray Forrest Harvey, is to show that Burlamaqui developed in more complete form than any other European thinker the various ideas that are to be found in the American Constitution and in the thinking of those who made and first interpreted it, and that he should be ranked alongside, if not ahead of, men like Locke and Montesquieu as an intellectual founding father. Professor Harvey does not overstate his case and is very careful to admit the environmental and empirical conditioning of American ideas. His work may, therefore, be praised as redressing an injustice, since Burlamaqui is unknown today save to a small group of scholars, though one will necessarily have to wait for a more general work, written with the contribution of this monograph duly acknowledged, before one gets a competent judgment of Burlamaqui's place in the whole intellectual background of this country. Yet the present work does make it abundantly clear that Burlamaqui had very similar ideas to those of various founding fathers on such matters as sovereignty, the nature of law, written constitutions, and the separation of powers, and that he influenced not only political theory, but, perhaps even more significantly, legal philosophy and the teaching of law in this country. Especially interesting is Professor Harvey's claim that Burlamaqui, more than any man, is responsible for the doctrine of the right to the pursuit of happiness,

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and his argument that in this respect Burlamaqui's ideas are closer to Jefferson's than either those of Paine or of Lord Kames, whose discovery as a source by Professor Chinard some years ago created such interest in students of American ideas, is convincing. The chief criticism that can be made of Dr. Harvey's presentation refers to the first part of the book, where he expounds the essential ideas that compose Burlamaqui's philosophy, and tries to trace their origins and estimate their originality. Certainly, it is hard to rebut Professor Harvey's claim that the total synthesis made by Burlamaqui was new, and that both his practical moderation and his nice combination of natural law theory with an effective realism gave an unusual soundness to his views. Indeed, one feels that it might have been desirable to stress this general attitude more thoroughly as one likely to appeal profoundly to the originators of our own scheme of government who, if they needed theory as one of their weapons, were themselves very moderate and practical-minded men. It does seem, however, that the author is a little cavalier in his nonrecognition of various significant anticipations of parts of Burlamaqui's views, by men as various as Aquinas, Bodin, Spinoza and Althusius, to name but a few. Nevertheless, the work is well done and was well worth doing, while its listing of editions of Burlamaqui's work and its thorough bibliography should prove useful to students who wish to study the whole subject further. One might also venture to hope that Professor Harvey will do, and that some University Press will publish, a good modern translation or edition of Burlamaqui's chief works, since this would be an effectively useful way of insuring that his contribution will not henceforth be forgotten.—THOMAS I. COOK, University of California, Los Angeles, California.

Anglo-French Boundary Disputes in the West 1749-1763, edited by Theodore Calvin Pease (Collections of the Illinois State Historical Library, Vol. XXVII. Springfield, Illinois State Historical Library, 1936; clxxi, 607 pages. $2.50), contains an introduction of one hundred sixty pages, which is a history of French and British diplomacy from 1748 to 1760, particularly as it was concerned with Canada and the Mississippi Valley. This is a scholarly essay, based on material drawn largely from unpublished sources. The most valuable and pertinent portions of the source material are also published in this volume. The "Introduction" parallels closely the "Documents". Dr. Pease discusses a topic broadly and then prints the documents that illustrate his discussion. Thus he presents an excellent analysis of the utility of the colonies of New France and

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Louisiana to the French crown, and in the "Documents" he prints the *Memoir* of La Galissoniere who writes on the problem from the viewpoint of a practical politician of 1751. This document is an exception to Dr. Pease's editing in that it has been printed elsewhere. The author's history of the diplomacy of the period presents a lively picture of personalities, many of whom are now hardly remembered as names. The "Documents" illustrate the methods and intricacies of European diplomacy in the middle eighteenth century. They contain reports of French and British activities on the upper Ohio, and show the rivalry of the two countries and their diplomatic maneuvers. The negotiations continue until 1755 when the break occurred. In 1759 projects for a settlement began to appear. Pitt was insistent for all of Canada with its dependencies which he maintained included the Ohio. The English were divided between demanding Canada with its fisheries and fur trade or the French Islands with their vast sugar production. The French struggled to hold the Ohio as part of Louisiana. Spain began to bid for the cession of the Mississippi Valley. The fall of Pitt eased the tension, but new conquests added to the prestige of the British Empire. Bute and others were for peace on easy terms, but they felt compelled to claim Canada and with it the Ohio Valley. The Valley played a prominent part throughout the early peace negotiations. When the British felt strong enough, however, to demand the Mississippi as the boundary of the colonies, the Ohio problem faded out. No documents have yet appeared showing the relative weight of the sugar interests as opposed to fishing and fur interests in British politics.—PAUL C. PHILLIPS, The University of Montana.

An important difficulty in the use of statistical data on mineral raw materials is the uncertainty a careful student must feel as to the accuracy and comparability of the original figures. Import and export figures, for example, when carefully studied may reveal that pig tin imported into the United States, with Great Britain given as the country of origin, actually came from Malaya, with merely a brief halt in a warehouse in Great Britain. Refined copper exported from the United States may be recorded as "of domestic origin", when actually it had been made from blister copper shipped from Chile to the United States for refining. Wherever possible, it is advisable to use only data emanating from a single source, and it is correspondingly valuable to students in general to have *Mineral Raw Materials: Survey of Commerce and Sources in Major Industrial Countries,* prepared by the staff of the Foreign Minerals Divi-

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sion, United States Bureau of Mines (New York and London, McGraw-Hill Book Co., Inc., 1937; xviii, 342 pp. $5.00), a source book that has been compiled, after careful study, by a group of competent experts. Thirty-two minerals, ranging alphabetically from aluminum to zinc, have been selected for such critical study in Part I, of 233 pages, and this material is then recombined geographically, by twelve major countries, ranging from Belgium to the United States, in Part II. This second part does not merely collect the data already presented separately, but mainly deals with commercial conditions. For example, the 21 pages devoted to Japan discuss government measures designed to assist production and exchange of mineral raw materials, such as special laws, subsidies, direct loans, remission of taxes, preferential prices and transportation rates, secret funds, trade associations and guilds, and private measures. Information of this character on other countries is less complete, but is also adequate. A helpful feature of the volume is the use of graphic charts to show the flow of mineral raw materials in international trade. That for nickel visualizes instantly how large a proportion of the world's nickel comes from Canada, and how completely Europe and the United States absorb it. In compiling a source book of data the major problem is to decide what to omit of the great mass of factual material available. Most people will probably be satisfied with the choices the unnamed authors have made. Neither the title-page nor the introduction states that the work was carried out under the general direction of J. W. Furness.—THOMAS T. READ, Columbia University.

A volume in memory of John Bates Clark, who was for many years a member of the Board of Editors of the POLITICAL SCIENCE QUARTERLY, has been prepared by his children. It contains a few of the many expressions of appreciation of his thought and spirit which were received at the time of his death. Although privately printed, copies of the book, *John Bates Clark: A Memorial,* may be obtained from the Columbia University Press, New York, N. Y. (40 pp. 50 cents).—ED.

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